FEDERAL/PROVINCIAL/TERRITORIAL

REPORT ON WIFE BATTERING

TO THE MEETING OF

MINISTERS RESPONSIBLE FOR THE STATUS OF WOMEN

NIAGARA-ON-THE-LAKE

MAY 28-30, 1984

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This report has been prepared at the request of the Federal/Provincial/Territorial Ministers Responsible for the Status of Women. At their annual meeting in May 1983, Ministers directed officials at the three levels of government to undertake a process that would eventually provide an integrated program of response to the problem of wife battering. The report is to be tabled for discussion at the May 1984 meeting of Ministers Responsible for the Status of Women.

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I. INTRODUCTION

INTRODUCTION

Wife battering is not a new phenomenon. The problem has always existed. The historical context, and the legal, cultural, and religious sanctions that permitted wife assault, have been well described by others.

This report, the beginnings of an attempt by governments to grapple with the many dimensions of the problem in an integrated, coherent manner, will focus on the tools at governments' disposal that can be used to support the victims, help the offender, and change ingrained attitudes about family violence.

In Canada, in the 1970's, wife battering and its prevalence began to emerge as an issue of public concern and discussion. As a society, we are far from understanding the causes, and far from prescribing a cure for violence against women. At most, the combined efforts of our institutions can be used to apply some palliatives until we learn more about the whole range of issues that form part of the problem.

What can be said quite definitely is that there is a new awareness, combined with a new will, to bring the available resources to bear on the problem.

This awareness has risen from the work of many women's groups across the country, from groups that are large and well-funded, and most importantly from the small grass-roots groups that provided some of the first direct service exclusively for battered women, in the form of transition houses. In no small measure, the current direction of the work of governments, social agencies, and researchers is due to the ground-breaking activities and persistence of these women.

The environment of this issue has changed dramatically in the last ten years. The number of transition homes has grown from 10-20 to approximately 155 in 1984, with at least another 90 in the planning stages. There are now more than 20 treatment programs for men who batter, some very small, and all in the experimental stages. Communities are involved in many other support services for battered women and their children.

At the government level, in 1979, the federal government tabled "Toward Equality", the National Plan of Action on the Status of Women. It publicly recognized the need to address this issue, and recommended the establishment of a National Clearinghouse on Family Violence.

In 1980, the Canadian Advisory Council on the Status of Women published its report, "Wife Battering - The Vicious Circle". This represented one of the first comprehensive, in-depth looks at the Canadian situation. The recommendations the report contained have formed the basis for recent government activity.

In 1982, the House of Commons Standing Committee on Health, Welfare and Social Affairs tabled the results of five months hearings and study in a document, "Report on Violence in the Family: Wife Battering". The report contained a number of recommendations for government action.

The Ontario Legislature referred the issue to their own standing committee, which, after a similar process, issued a series of recommendations for activities that would respond to the problem.

Hundreds of organizations, service groups, transition houses, police, lawyers, medical professionals, researchers, and interested individuals, who had been working on the many aspects of wife battering, appeared before these two Committees to share their experiences.

Other governments were also struggling with the public's demand that they had a major responsibility to respond to something now seen as a public problem, a problem society's institutions must address.

This changing public environment was one element in the decision of the Ministers Responsible for the Status of Women to request a review of the situation. The other was the lack of accurate data on incidence rates, and a growing sense that only a truly integrated and concerted response would make any inroads in treating the victim and the offender, and stopping the intergenerational transfer of the behaviour.

Officials in the three government's proceeded to set up the mechanisms necessary to complete the report for the next meeting of Ministers Responsible for the Status of Women in May 1984.

The work was to be undertaken in several stages to meet the deadline of May 1984; a review of existing programs, policies, and legislation that were being used to respond to the issue; an examination of gaps in services and problem areas; and suggested initiatives which could be undertaken immediately to address the problem of wife battering.

Each jurisdiction called upon representatives of those departments or ministries which had any possible response mechanisms within their mandate to participate in the work. In addition, the federal/provincial /territorial officials have met three times to co-ordinate their work, and share common experience.

The resulting report is the first step in a necessarily long process, the goal of which is to eliminate the violence endemic in the family, to heal the victim, and to cure the offender.

The report relies on the work done by previous groups and integrates their recommendations, and underlines the need for a multi-dimensional approach to solve the problems of wife battering.

One overriding consideration has been that each sector (health, social services, criminal justice, education) is at a different stage in the development of knowledge and expertise. There is certainly no consensus on treatment models for the violent family, or on the best agents or methods of intervention. At these early stages there is still a need for demonstration projects, research, policy development, and support for the voluntary sector to undertake new projects. The one dominant concern remains to provide a safe shelter for the victim as a first step; then other services can address other questions.

For these reasons, the report looks at the many sectors, and has not attempted to provide a unified approach, but rather one which allows independent development at many levels and in many directions. This creative diversity is especially suitable to the different needs expressed in each region, and the different levels of awareness.

The issues reviewed not only look at problems in the different sectors, and at each level of government, but also recognized the many important elements that would require federal/provincial co-operation.

The list that follows is the range of topics that provided the framework for discussion:

LIST OF ISSUES ADDRESSED IN REPORT

CRIMINAL JUSTICE SYSTEM

Issues Covered:

- Police Policy and Practice
- Police Intervention Training
- Courts - Family vs Criminal vs Unified
- Court Orders/Peace Bonds
- Conditions of Probation
- Family Law - Matrimonial Home
- Victim Advocacy Programmes
- Programmes for Batterers
- Legal Aid for Victims
- Role of the Prosecutor
- Police Statistics - Research
- Sentencing Patterns
- Crisis Intervention Teams
- Research on Justice System Response
- Rules of Evidence - Spousal Competency/Compellability
- Revocation of Parole - Is Wife Battering Considered Grounds
- Public Education

HEALTH

Issues Covered:

- Response of Family Physician, Health Setting Professionals
- Professional Protocols
- Hospital Procedures/Emergency Room Response
- Treatment Programmes for Victims and Offenders
- Research
- Response of Mental Health Professionals
- Public Education
- Kits for Health Care Professionals

WELFARE AND SOCIAL SERVICES

Issues Covered:

FUNDING OF TRANSITION HOMES

- Federal Programmes
- Provincial Programmes
- CAP
- Municipal Role
- Agencies
- Private Funding
- Standards for Transition Homes
- Second-Stage Housing
- Telephone Hotlines/Networks
- Response of Social Services Professionals
- Planning Mode for Funding

COUNSELLING PROGRAMMES

- For Batterers
- For Victims

WELFARE

- Emergency Income
- Eligibility Requirements

EDUCATION AND SPECIAL GROUPS

Issues Covered:

PUBLIC EDUCATION ON ISSUES BY GOVERNMENTS

- In Schools
- To Professionals

USE OF NON-OFFICIAL LANGUAGE MATERIALS

- Immigrant Women and Immigration Act
- Rural Women
- Education of Children in Transition Homes
- Native Women

The purpose of this report is not to study the problem again, nor simply to make more recommendations. The purpose is to examine what governments are doing, what they have the mechanisms to do, and to develop a concrete work plan for the next two years, a work plan that would integrate the excellent work already done by others, and begin the long process to eliminating wife battering.

II. SITUATION REPORTS

PREAMBLE

Governments have been responding to the problems of wife battering in a number of ways; for example through the funding of projects and programs such as shelters for battered women and their children; crisis intervention teams; demonstration projects; research; victim witness assistance projects; police training in family violence intervention; offender counselling programs; social services; income support; job counselling; and child care.

Very many of these program approaches have been the result of community initiatives and ingenuity. At the same time they have been funded by government programs that were designed for other purposes. As such programs have grown, there has been a greater pressure on governments to provide easier and increased access to resources. The community has led the government to solutions based on community experience, need, and preference.

The first step in responding to this need for better services was a review of all existing programs, policies, and legislation that was currently available or already responding to the needs of battered women.

This first section of the report is the summary of that review. It indicates the myriad ways different departments and different programs have served this issue. The review also gives a broad indication of the level of financial commitment to date. This very diversity indicates the complexity of the issues, the diverging philosophical approaches to solving the problems, and an indication of the next steps that would form the logical progression to eradiction of the problem of wife abuse.

Many authors have described the effect of wife battering on the lives of women, their children, the batterer, and on our communities, as well as the long-term costs to governments. The intergenerational transfer of violent behaviour patterns has an indeterminable, infinite impact on this generation of families and the next. How we change attitudes and learned behaviour to break this cycle of violence is our biggest challenge. This report is the first step in that complex process.

1. FEDERAL REPORT ON EXISTING PROGRAMS, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERERING

INTRODUCTION

Federal response to the issue of wife battering has been shared among several departments:

- Health and Welfare Canada (HWC)
- Solicitor General Canada (SGC)
- Justice Canada (Just.)
- Canada Employment and Immigration Commission (CEIC)
- Canada Mortgage and Housing Corporation (CMHC)
- Indian Affairs and Northern Development (DIAND)
- Secretary of State Canada (SS)
- Status of Women Canada (CSW)

Status of Women Canada has had the lead co-ordinating role in putting together this report. It brought together the federal departments to form an interdepartmental committee to prepare the federal report, and chaired the federal/provincial/territorial working group of officials who were preparing the report for ministers. This section is the federal contribution to that report, and is the review of existing programs, policies, and legislation.

HEALTH AND WELFARE CANADA (NHW)

The contribution of the Department of National Health and Welfare to the needs of battered women falls within four general categories of activity:

A. cost-sharing with provinces of assistance and welfare services through the Canada Assistance Plan;
B. provision of information and consultation through National Clearinghouse on Family Violence and other programs;
C. direction of policy through the Office of the Senior Advisor, Status of Women;
D. direct support of research and demonstration projects through three Departmental contributions programs: National Welfare Grants; National Health Research Development Program; Health Promotion Directorate.

A. COST-SHARING UNDER CAP OF PROVINCIAL PROGRAMS FOR BATTERED WOMEN

All provinces and territories have signed Agreements under the Canada Assistance Plan (CAP) for cost-sharing of their assistance and welfare services programs.

CAP enables federal sharing in the costs to provinces and municipalities of providing a wide range of assistance benefits to persons "in need" which may include victims of family violence. These benefits include social assistance allowances, subsidized legal aid services and the maintenance or the care of the individual or family in a transition home or other sheltered environment. In addition CAP may share in a range of welfare services to persons "in need" or "likely to be in need" such as day care for children, counselling, employment support and information/referral services.

The following discussion addresses both the assistance provisions and welfare services provisions of CAP as they relate to provincial programs for battered women.

1. ASSISTANCE PROVISIONS

HOMES FOR SPECIAL CARE

CAP legislation provides for cost-sharing of care provided in "homes for special care" under the assistance provisions of the Plan.

"Homes for special care" are defined as residential welfare institutions:

- homes for the aged;
- nursing homes;
- hostels for transients;
- child care institutions;
- homes for unmarried mothers, and
- any residential welfare institution whose primary purpose is to provide residents thereof with supervisory, personal or nursing care or to rehabilitate them socially.

Transition homes are cost-shared as residential welfare institutions under the last noted category.

There are certain conditions which must be met before CAP may share in any costs incurred by provinces with respect to "homes for special care":

- the transition home must be submitted by the province for formal acceptance and subsequent listing of that home in Schedule "A" to the CAP Agreement; and

- the provincial legislation authorizing these programs must be accepted and listed in Schedule "C" to the CAP Agreement.

SHARING IN THE COSTS OF CARE

With respect to homes owned and operated by a province or municipality, CAP shares in that portion of the net operating costs of the home that relates to the care of persons in need, less any amounts contributed by such persons.

In privately owned homes, CAP shares in the cost of care which is usually reflected in a per diem insofar as the cost relates to a person "in need". The per diem is negotiated between the province and the operator of the home.

ELIGIBILITY/NEEDS TEST

CAP may only cost-share on behalf of individuals in a "home for special care" who are determined to be persons "in need". A person is determined to be "in need" on the basis of an individually-applied needs test. The make-up of the needs test is determined by the province, subject to federal approval, and must take into account the assets, income and resources available to the person to meet the cost of care. This needs test must be administered by an official of a "provincially approved agency" (see Welfare Services section for definition of a provincially approved agency).

Transition homes and the services provided in these homes have been discussed between the provinces and CAP officials for several years. The federal position with respect to cost-sharing in these situations has been made more flexible in two ways. Firstly, CAP does accept the use of an abbreviated form of the regular social assistance needs test to determine client eligibility. Secondly, this test may be administered within a reasonable period of time following the arrival of the client at the home. Both of these conditions reflect CAP's recognition of the "crisis" nature of these services and the problems inherent in the administration of the needs test. These cost-sharing parameters with respect to "needs testing" appear to provide the flexibility needed by the provinces.

2. WELFARE SERVICES PROVISIONS

CAP also cost-shares certain welfare services provided by the provinces. Welfare services are defined as services having as their object the lessening, removal or prevention of the causes and effects of poverty, child neglect or dependence on public assistance. Examples of these services are day care, casework, counselling, information and referral and rehabilitation services. Provinces are responsible for designing their welfare services programs and for deciding who will receive such services. CAP may share in these services when they are provided to persons who are "in need" on the basis of a needs test or "likely to be in need" based on income levels by family size.

Welfare services must be provided by a "provincially approved agency" listed in Schedule "B" to the CAP Agreement. A provincially approved agency is defined as "any department of government, person or agency, authorized by or under the provincial law or by the provincial authority to accept applications for assistance, determine eligibility for assistance, provide or pay assistance or provide welfare services and that is listed in a Schedule to an Agreement".

Under the welfare services provisions of CAP shareable costs are limited to staff related costs such as salary, travel and training. The major exception to this cost definition is that CAP will also share in operating costs of day care programs.

The following costs are not shareable under the welfare services provisions of the Plan:

- capital costs;
- costs of accommodation;
- operating costs (except day care);
- any cost that Canada shares pursuant to any other Act of Parliament in accordance with Section 5(2)(c) of the Act.

Welfare services may be cost-shared when provided to residents of transition homes as well as to non-residents. Where transition homes provide welfare services to non-residents they may be shared when provided to persons "in need" or "likely to be in need".

For example, day care services to children may be cost-shared if they are provided either within or outside of a transition home. If day care services are offered as part of the program of the home, and are used by residents of the home, the costs are shared as "assistance" costs, i.e., as part of the per diem. If day care services are provided to children, living in the community, i.e., to non-residents, the day care centre must be approved as a provincially approved agency.

B. NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE

The National Clearinghouse on Family Violence (NCFV) was established in 1982 in response to a recommendation made in the National Plan of Action on the Status of Women. The purpose of the NCFV is to gather, organize and disseminate existing information, develop new information, and provide consultation and professional expertise about research, training, new and existing programs and other aspects of service in the areas of wife-assault, child abuse and neglect, and abuse of the elderly. The NCFV provides these information and consultation services to agencies, groups, governments and concerned individuals involved in the development and delivery of support services to victimized family members, and to the media.

The NCFV operates on the model of a two-way flow of information: each request for information is not only a demand for service, but also provides vital information about activities in the field. Information requests also identify gaps in the knowledge base, and guide the development and acquisition of new information.

The level of activity in the field of family violence has been reflected in the large number of requests for information and consultation received by the NCFV over its first two years of operation--at present, averaging over 1000 per month. Current activities include the publication and distribution of a quarterly, bilingual newsletter, Vis-a-vis, to a growing mailing list of over 10,000 groups, agencies and individuals. The newsletter has grown from eight to sixteen pages in its first year, and includes articles on current program and research activities, reviews, bibliographies and resource lists, a calendar of events and other features. The NCFV sponsors the Family Violence Film Collection, a set of 23 films on wife assault and child abuse which is available in 30 regional National Film Board offices for use, free of charge, by professionals, groups and members of the public in programs of public and professional education. The films in this collection are seen by over 100,000 people each year.

The NCFV also distributes a range of materials including information kits on wife-assault and treatment for male offenders, a wide variety of manuals, reports and training materials, and reports of research projects undertaken by the NCFV. Current information-gathering projects include a survey of Canadian transition houses (reports to be available mid-1984), an assessment of Canadian programs of treatment for men who batter their wives or partners (report to be available mid-1984); and the preparation of province-by-province lists of sources of assistance for battered women (to be available Spring 1984).

The NCFV coordinates program activities related to wife-assault and victims of crime within the Department of Health and Welfare, produces public education materials (films, radio spots) on family violence, contributes original articles to professional journals, provides speakers to workshops, conferences and media events, and sponsors conferences on family violence. As part of its public education mandate, the NCFV prepared the insert on wife-battering, which was included in nearly four million October 1982 Family Allowance cheques, in response to a recommendation from the 1982 Parliamentary Report on Family Violence: Wife Battering; requests for information from recipients of the cheque insert were also handled by the NCFV.

C. POLICY COORDINATION: SENIOR ADVISOR, STATUS OF WOMEN

The Office of the Senior Advisor, Status of Women has an advisory and coordinating function responsible for the development, continuous assessment, implementation and integration of a wide range of policies and programmes to ensure the promotion and preservation of the health, social security and social welfare of Canadian women and their families. The Office is involved in interdepartmental and international consultations on family violence and violence against women and collaborates closely with the National Clearinghouse on Family Violence in the Department. The Senior Advisor, Status of Women has published several articles on wife battering and recently chaired the Canadian Association of Social Workers (CASW) Task Force on Inter-Spousal Violence which subsequently was the first professional organization to issue a *Policy Statement on Social Work Practice with Assaulted Women and their Families*.

Much of the emphasis this year was placed on developing awareness of and appropriate responses by the health sector in addressing wife assault. During the April 27, 1983 Conference of Deputy Ministers of Health, the Deputy Minister of Health and Welfare Canada requested his colleagues in the provinces and territories to designate a senior health officer to liaise with the Senior Advisor, Status of Women. Subsequently, all provinces and territories named persons. Initial correspondence and exchange of information has taken place and it is anticipated that a meeting can be held in the fiscal year 1984-85. Initial plans will focus on systematic work on the health aspects of family violence against women - specifically developing an information kit for use by health professional with articles and examples of protocols developed and in use in Canadian health facilities outlining procedures to use in dealing with victims of wife assault who present themselves to health professionals for medical attention. The kit is being developed in consultation with the Clearinghouse, which would be responsible for its distribution.

D. RESEARCH AND DEMONSTRATION PROJECT GRANTS AND CONTRIBUTIONS

The Department of National Health and Welfare provides funding for research and demonstration projects related to wife-assault through several programs: National Welfare Grants (NWG); National Health Research Development Program (NHRDP); Health Promotion Contributions Program (HPCP); Summer Youth Employment Program (SYEP); and National Native Alcohol and Drug Abuse Program (NNADAP).

Among grants and contributions to women and women's groups since 1979 are those specifically targeted to battered women:

NEWFOUNDLAND

Unified Family Court - Family Crisis Counsellor, St. John's Newfoundland; 1979-1984	$146,800 (NWG)

NEW BRUNSWICK

Ad Hoc Committee - Conference on Violence Against Women, Moncton, N.B.; 1982-1983	$6,025 (NWG)
Women in Transition House Inc.- Transition House and the Battered Women, York-Sudbury, N.B.; 1980-1981	$8,393 (SYEP)

QUEBEC

Centre d'aide aux victimes de viole de l'Outaouais, Hull, P.Q.; 1979-1980	$20,877 (NWG)

QUEBEC

Intervention aupres de la femme violentee, Montreal, P.Q.; 1982-84	$12,388 (NWG)
Etudes des femmes violentees ayant recours a un centre d'accueil de Montreal, Montreal, P.Q.; 1981-1982	$17,634 (NHRDP)

ONTARIO

Women's Habitat Summer Project, Etobicoke-Lakeshore, Ontario; 1980-1981	$12,132 (SYEP)
Kingston Interval House - A Self-Help Health Handbook for Women, Kingston and the Islands, Ontario; 1982-1983	$4,336 (HPCP)
Women's Education & Research Foundation; London Battered Women's Advocacy Clinic, London-East, Ontario; 1982-1984	$166,963 (NWG)
Ottawa Rape Crisis Centre, Ottawa Centre, Ontario; 1976-1980	$27,970 (NWG)
Canadian Association of Sexual Assault Centres, Hamilton West, Ontario; 1979-1982	$243,053 (NWG)

ONTARIO

Canadian Association of Social Workers, Interspousal Violence Symposium, Ottawa, Ontario; 1981-1984	$23,230 (NWG)
Women in Crisis Inc. - Child Care & Parenting Skills Program, Sault-Ste-Marie, Ontario; 1980-1981	$16,274 (SYEP)
Support Services for Assaulted Women, Immigrant Women's Centre, Spadina, Ontario; 1980-1981	$11,946 (HPCP)
Immigrant Women's Centre, Reducing the Health Problems of Battered Women, Spadina, Ontario; 1981-1982	$661.00 (HPCP)

ALBERTA

Review of a Second-Stage Shelter for Battered Women and Their Families, Calgary, Alberta; 1983-1985	$12,313 (NWG)

BRITISH COLUMBIA

Women's Research Centre - Indices of Family Violence, Vancouver East - British Columbia; 1980-1981	$9,850 (SYEP)

BRITISH COLUMBIA

Male Domestic Violence and Its Effects on the Victim, Vancouver, British Columbia; 1980-1981	$ (figures not available) (HPCP)

YUKON

Yukon Women's Transition Home Society - Women's Transition Home, Yukon; 1979-1984	$223,321 (NWG)

SOLICITOR GENERAL

The Ministry has been actively promoting programmes and policies to improve the criminal justice system's response to wife assault since the mid 1970's. Given the mandate of the Ministry, the major focus has centered on concerns related to police policies and practices. These concerns related mainly to the administration of justice, which is largely a matter of local and provincial jurisdiction. As a result, much of this Ministry's efforts have been in the form of research and demonstration projects designed to encourage the development of effective approaches that may serve as models to other communities.

Several projects have focussed specifically on issues relating to police crisis intervention programmes. For example, the Ministry helped fund the establishment of the Family Consultant Services of the London Police Force as a demonstration project. It also funded an intensive evaluation of this programme. The information from these projects has enabled this programme to become established as part of the ongoing services of the London Police Force, and to serve as a model for the development of a number of similar programmes in other police departments across Canada.

The Restigouche Family Crisis Interveners Programme in five rural areas in northern New Brunswick represents another important model, not only because of its rural nature, but because it is one of the few approaches to rely on community volunteers rather than professionals as a back-up to the police. Private homes also are used as emergency shelters because of the lack of transition centres. The Ministry helped fund this programme as a demonstration project, and funded an evaluation study, audio-visual materials, and a conference for interested officials from the Atlantic Provinces.

In addition, research projects have been undertaken on the training of the police in crisis intervention in Vancouver, and with RCMP recruits. Because police practices are influenced by the policies and practices of other community agencies, the Ministry also has funded a large number of research and demonstration projects to promote integrated and coordinated approaches. For example, after having completed the evaluation (noted above) of the Family Consultant Services of the London Police Force in 1980, a study was undertaken to collect information for the London Coordinating Committee on Family Violence to assist in defining the problems and planning solutions from a total community perspective. As a result, the London Police Force implemented the first formal charging policy in Canada, changes were made to court policies, a therapy programme for batterers and a legal advocacy clinic for assaulted wives were implemented, and an intensive public and professional awareness and education programme was carried out.

This integrated approach has served as a model for many other communities, and indeed has been commended in the House of Commons, by the Report on Wife Battering of the Standing Committee on Health, Welfare and Social Affairs, and by the Ontario Legislative Inquiry. Similar research and demonstration projects to promote integrated community approaches have been carried out or are underway in several other communities, including Metro Toronto, Kent County (Ontario), and as components of other victim assistance programmes, in Richmond, Vancouver, Calgary, Winnipeg, Kitchener-Waterloo, and in P.E.I. and Newfoundland.

The Ministry has helped organize and fund various local and national conferences of practitioners and policy makers, and has produced several reports that synthesize information on problems and possible solutions.

The Ministry also has been actively promoting police charging policies through its dealings with the police community. In addition to recommendations in this regard to such groups as the Canadian Association of Chiefs of Police, the Solicitor General and Minister of Justice issued in December of 1983 policy directives instructing the RCMP and Crown Attorneys in the Yukon and Northwest Territories (where the Federal Government is responsible for the administration of justice) to charge and prosecute cases of wife assault where there are reasonable and probable grounds to believe that an offence has been committed. The directives emphasize the need to remove the responsibility and blame for pressing charges from the women. RCMP officers are instructed to inform victims of community resources and to assist them in contacting these resources.

It should also be noted that RCMP training in crisis intervention is continually revised to reflect new directives and changes in policy. In addition to revising existing courses for recruits and managers, a new course for RCMP investigators, which will focus on the important role the police play in supporting and assisting victims, is currently under consideration. Updates to policies also have been made on the need for complete investigations and gathering of evidence and where indicated, the laying of charges for wife assault cases.

Efforts have also been undertaken to improve statistics on legal responses to wife assault. In addition to the various research activities, RCMP occurrence sheets starting in February, 1984, require officers to code family related assault cases in such a way that the sex of the victim and assailant, the presence of alcohol, and the appropriate assault section of the Criminal Code are routinely identified.

An important activity for the Ministry has been its participation in the Federal-Provincial Task Force on Justice for Victims of Crime. This Task Force was established in December, 1981, to examine the needs of victims of crime, to enquire into their experience with the criminal justice system, and to recommend action which could be taken to improve present methods of assistance to victims. The Task Force presented its report, containing 79 recommendations, in July 1983 to a Conference of Federal-Provincial Ministers Responsible for Criminal Justice, where it received general support. Sixteen recommendations were specifically directed to the needs of assaulted wives. Respective jurisdictions are now reviewing the recommendations with a view to developing implementation and follow-up strategies. A federal-Provincial Working Group is being established to work towards the development of a national policy for comprehensive victim services that will reflect the findings of the Task Force, and related federal and provincial studies and initiatives.

The following is a brief summary of some of the projects and research on family violence funded by Solicitor General. It is meant to indicate the range of projects and activities, and is not a comprehensive list of all projects funded to date.

1. RESEARCH AND DEMONSTRATION PROJECTS

The Ministry of the Solicitor General has funded various research and demonstration projects concerning the issue of family violence:

a) RESTIGOUCHE FAMILY CRISIS INTERVENERS PROGRAMME

1980-1982
$97,147

b) EVALUATION OF RESTIGOUCHE FAMILY CRISIS INTERVENTION PROGRAMME

August, 1981 to July, 1983
$70,000

c) LEGAL AND SOCIAL SERVICES FOR PHYSICALLY ABUSED WIVES IN LONDON, ONTARIO

February, 1981 to December, 1981
$56,000

d) CRISIS INTERVENTION PARADE VIGNETTES (FOR POLICE TRAINING)

July, 1981

$10,820

e) TREATMENT GROUPS FOR SPOUSE ASSAULTERS

September 31, 1981 and December 31, 1982

$15,425

f) SUMMARY OF POLICY IMPLICATIONS FROM RECENT RESEARCH ON WIFE ASSAULT

May, 1982

$50,000

g) POLICE TRAINING IN CRISIS INTERVENTION - RCMP

Research to assist in training of R.C.M.P.

$100,000

h) GLOUCESTER - COMMUNITY POLICE COMMITTEE NEEDS ASSESSMENT

March, 1981 to June, 1981

$3,960

i) EVALUATION OF THERAPY GROUPS FOR ASSAULTIVE MALES IN VANCOUVER

January, 1982 to September, 1982

$9,970

j) NATIONAL POLICE WEEK (1982)

Provide article and speeches for police officers.

May, 1982

$10,000

k) DEVELOPMENT OF FOUR ARTICLES ON FAMILY VIOLENCE - "LAW TALK"

December, 1982 to April, 1984

$1,111

l) MANITOBA WIFE ABUSE PROGRAM

April, 1983 to April, 1984

$39,734

m) LEGAL/PARALEGAL CHILD ADVOCACY DEMONSTRATION PROJECT: WINNIPEG

August, 1983 to August, 1984

$50,627

n) COUNSELLOR TRAINING FOR BATTERED WOMEN - TORONTO

September, 1982 to June, 1983

$9,975

o) DOMESTIC RESPONSE TEAM TORONTO: PHASE I AND II EVALUATION

September, 1981 to December, 1982

$21,646

p) KENT COUNTY TASK FORCE ON FAMILY VIOLENCE - PHASE I

March, 1983 to March, 1984
$28,500

q) RESTIGOUCHE FAMILY CRISIS INTERVENTION - AUDIO-VISUAL

July, 1983 to December, 1983
$12,275

r) DEVELOPMENT OF COMMUNITY PROGRAMS

October, 1982 to November, 1984
$78,074

s) JUSTICE DEVELOPMENT WORKER PROJECT
(ONTARIO NATIVE WOMEN'S ASSOCIATION)

October, 1983 to March, 1984
$19,749

t) TRANSITION HOUSE - HOW TO ESTABLISH A REFUGE FOR BATTERED WOMEN

October, 1979 to March, 1981
$16,238

2. CONFERENCES AND WORKSHOPS

a) CONFERENCE OF M.P.'S AND M.P.P.'S (CANADIAN AND AMERICAN ORGANIZED BY THE CENTRE FOR LEGISLATIVE EXCHANGE

October, 1981
$8,500

b) **7TH ANNUAL VICTIMS ASSISTANCE CONFERENCE: CANADIAN COUNCIL ON SOCIAL DEVELOPMENT**

October, 1981
$6,000

c) **ATLANTIC PROVINCES WORKSHOP ON FAMILY CRISIS INTERVENTION**

April, 1982
$7,200

d) **SPRING CONFERENCE: ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES (O.A.I.T.H.)**

May, 1982
$2,175

e) **WIFE BATTERING: OBSTACLES AND ROUTES TO SOLUTION CONFERENCE, LONDON, ONTARIO**

April, 1982
$3,000

f) **CONFERENCE ON VIOLENCE AGAINST WOMEN (MONCTON)**

November, 1982
$3,334

g) **RESTIGOUCHE FAMILY CRISIS INTERVENTION WORKSHOPS (8), NEW BRUNSWICK**

January, 1984 to September, 1984
$13,000

h) SEMINAR AND PUBLIC EDUCATION ON VICTIMS NEEDS IN THE YUKON

October, 1983 to March, 1984

$20,000

JUSTICE CANADA

Following the decision of Cabinet in 1978 concerning Equality for Women, an Interdepartmental Committee on Family Violence was established to study the problem of domestic violence and to report to Cabinet. Under the Chairmanship of Status of Women Canada, the Interdepartmental Committee compiled information on the various social, legal, medical and welfare aspects of the problem of domestic violence. It became clear to the Interdepartmental Committee that many of the difficulties associated with these areas flowed from the federal-provincial division of responsibilities as well as the lack of public recognition of the gravity of the problem of domestic violence.

When it was suggested that the Standing Committee on Health, Welfare and Social Affairs be given a reference to study this topic, the government agreed that public awareness would be heightened by a Parliamentary discussion of this matter and that a Parliamentary Committee could more appropriately comment on federal-provincial difficulties.

Accordingly, on February 13, 1981, the House of Commons referred the matter of Family Violence to the Standing Committee on Health, Welfare and Social Affairs.

The Standing Committee requested *in camera*, meetings with members of the Interdepartmental Committee on Family Violence to brief the Standing Committee on some of the problem areas and to discuss and distinguish the areas which were constitutionally or legally the responsibility of federal and provincial governments. The issues involving the Department of Justice on which there was the greatest discussion at the *in camera* meetings concerned the impact of *Reference re: s.6 of the B.C. Family Relations Act*, and proposed agenda topics for the proposed Federal-Provincial Conference on Wife Battering.

The Standing Committee tabled its Report on Family Violence: Wife Battering in the House of Commons on May 12, 1982. The Department of Justice's response to recommendations of the Standing Committee is attached as Appendix A.

The involvement of the Department of Justice in the area of family violence is part of our broader concern for victims of crime.

In July 1981, the Department of Justice undertook an 18 month initiative to:

1) better assess victim needs and the gaps in service delivery;
2) promote improved services for victims of crime;
3) develop and disseminate information to victims, witnesses and professionals on legal procedures, options and assistance available for victims of crime as well as the needs of victims and ways of dealing with victims more sensitively;
4) undertake policy directed research projects.

This initiative, which included demonstration projects, research and extensive consultations, was completed in the spring of 1983. The Department of Justice was involved in several projects and studies (e.g. funding and evaluation of the Winnipeg Victim Assistance Project (Manitoba); funding and evaluation of the Hiatus House Complainant Support Program (Windsor, Ontario); information projects for victims; research on Criminal Injuries Compensation Programs and their impact; Survey of Victims' Legal Information Needs; etc...). The findings of these experiments and research are being published in a series of working documents which will be made available to concerned groups and citizens. The experience gathered will inform the policy development process in the area of victims' rights and victim assistance.

To ensure the interdepartmental coordination of federal initiative, an Interdepartmental Committee on Justice for Victims of Crime was established. The Committee included representation from the Department of Justice, National Health and Welfare, National Defence, Indian Affairs and Northern Development, Status of Women Canada, Secretary of State, Privy Council Office, R.C.M.P., Ministry of the Solicitor General and Ministry of State for Social Development.

FEDERAL-PROVINCIAL TASK FORCE ON JUSTICE FOR VICTIMS OF CRIME

The Task Force was created at the Federal-Provincial Conference of Ministers Responsible for Criminal Justice in December 1981 to promote the cross-jurisdictional coordination in the victims assistance area. The Task Force was mandated to prepare a report for Ministers Responsible for Criminal Justice which would:

1) examine in depth the current needs of victims and their experiences with the criminal justice system;
2) explore such issues as long-term funding implications, appropriate legislative options, coordinating mechanisms, imaginative funding alternatives such as fine surtax options, community involvement and other topics which may be considered important to the development of effective services to victims and make appropriate recommendations to Ministers;
3) recommend to Ministers how best to communicate and sensitize the public and criminal justice agencies as to the needs and concerns of victims;
4) recommend ways by which the two levels of government can ensure the efficient sharing of information and expertise in this area.

Background research papers were submitted by the Department of Justice, Ministry of the Solicitor General and the provincial representatives. Research reports prepared by the Department of Justice included research in the areas of compensation to crime victims, alternative funding options, the costs of victim services, victim rights and victims' legal information needs.

The Task Force completed its examination of the current situation of crime victims in Canada and proposed 79 recommendations to improve the situation and to make the Canadian justice system more responsive to the needs of victims. The Task Force studied the problems faced by battered women at length and directed 11 recommendations to law enforcement and social services personnel to alleviate these problems.

A preliminary analysis of the Task Force recommendations has been completed by the Department of Justice and the Interdepartmental Committee on Victims of Crime has been re-activated to coordinate the federal government's response. In addition, federal-provincial consultations will be required as many of the Task Force recommendations concern matters of joint federal and provincial interest.

LEGISLATION

BILL C-127

Amendments to the Criminal Code contained in Bill C-127 became law January 4, 1983. The amendments relating to assault and sexual assault should assist battered women:

(a) by removing the spousal immunity for sexual assault; and
(b) in making assault a hybrid offence, the police are encouraged to arrest in cases where they believe the offence is likely to be repeated or where it is in the best interests of the public to arrest.

Bill C-127 also amended the Canada Evidence Act to permit spouses to be compellable witnesses when charged with certain offences (e.g., sexual offences, child abduction) and when charged with certain offences in respect of young persons under 14 years of age (e.g., assault offences, murder, manslaughter, infanticide).

THE CANADA EVIDENCE ACT

Subsection 4(4) of the Canada Evidence Act permits a spouse to testify against his or her husband or wife in cases involving the spouse's life, health or liberty. This provision is known as the "common law exception". Thus, where a husband is charged with an assault upon his wife, the wife is competent to give evidence and is also compellable to give evidence.

As noted above, Bill C-127 amended the Canada Evidence Act to expand the situations where a spouse is a compellable witness. The new subsection 4(2) provides that where a spouse is charged with certain offences, including contributing to juvenile delinquency, sexual offences, child abduction and bigamy, the other spouse is a competent and compellable witness. In addition, subsection 4(3.1) provides that where a spouse is charged with certain offences against a young person under 14, including murder, infanticide, criminal negligence causing death and assault, the other spouse is both competent and compellable.

POLICIES

FEDERAL GUIDELINES REGARDING SPOUSAL ASSAULT

In response to recommendations made by the Standing Committee on Health, Welfare and Social Affairs and the Federal-Provincial Task Force on Victims of Crime, the Minister of Justice and Solicitor General of Canada issued guidelines for police and prosecutors in the Northwest ad Yukon Territories in cases of spousal assault on December 21, 1983.

The primary objective of the new federal guidelines on spousal assault is to ensure that in the territories, spousal assaults are treated the same as any other assault. This measure will give women the full protection of the law.

The directives require that complaints of spousal assault be investigated immediately and thoroughly by a police officer. If there are reasonable and probable grounds to believe an assault has occurred, the investigating officer should lay criminal charges. Similarly, when charges have been laid, the crown attorney will proceed with the case in all but the most exceptional circumstances. One important effect of these provisions is that they remove the responsibility and blame for pressing charges from women, who often fear retaliation.

The effect the directives will have in the Territories is being closely monitored by officials of the Department of Justice.

DEPARTMENT OF JUSTICE RESPONSE TO THE REPORT OF THE STANDING COMMITTEE ON HEALTH, WELFARE AND SOCIAL AFFAIRS ON FAMILY VIOLENCE AND WIFE BATTERING

(SEE APPENDIX 'A' TO THE FEDERAL REPORT)

DEPARTMENT OF JUSTICE ANALYSIS OF RECOMMENDATIONS OF THE FEDERAL-PROVINCIAL TASK FORCE ON VICTIMS OF CRIME REGARDING WIFE BATTERING

The Task Force made 11 recommendations to criminal justice, social service and education officials regarding wife battering. The directives issued to police and prosecutors in the Northwest Territories and Yukon by the Ministry of Justice and Solicitor General respond directly to Recommendation 34. Although the majority of recommendations are not specifically directed to the Department of Justice, federal-provincial consultation on these issues may be necessary. The recommendation for the provision of funds for research and demonstration projects for the development of counselling services for abusing spouses will be considered and discussed with other federal departments active in this area.

PROGRAMS

In addition to being actively involved on the Interdepartmental Committee on Domestic Violence, the Interdepartmental Committee on Victims and the Federal-Provincial Task Force on Victims of Crime, the Department has participated in discussions, conferences, seminars and workshops on domestic violence in many parts of Canada. This participation provided national confirmation of the extent of domestic abuse.

There has been funding for:

1. research and provision of information and public legal education;
2. compilation of information and assessment of victim needs;
3. establishment of demonstration projects to provide legal assistance to battered women;
4. research on the legal needs of battered women.

A list of projects funded by the Department of Justice providing assistance to victims of domestic violence is attached.

CRIMINAL INJURIES COMPENSATION PROGRAMS

In each province and territory except Prince Edward Island, there is a program to compensate for injury or death as a result of some specified crime committed by another person, an effort to prevent crime and an effort to arrest an offender or suspected offender. The crimes for which compensation can be paid are listed in the legislation establishing the program and are generally violent in nature.

The federal Department of Justice has cost-shared the provincially administered criminal injuries compensation programs since 1973. The federal-provincial agreement provides a cost-sharing formula and certain basic terms that are to be found in all programs. In 1981-82, the federal government contributed $2,329,723. of the total $14,523,993., of compensation paid in Canada.

Women who are assaulted by their husbands may be eligible for compensation from the provincial/territorial Criminal Injuries Compensation Program.

LEGAL AID

The federal Department of Justice cost-shares the provision of legal aid in criminal cases with the provinces and territories. The provision of legal aid in civil cases is provided by the province/territory.

ONGOING

The Department of Justice continues to review its policies, programs and legislative initiatives to determine whether improvements could be made to assist battered women.

LEGISLATION

Provisions of the Criminal Code regarding the offences of assault and sexual assault were amended by Bill-C-127 and came into force January 4, 1983. Pending the evaluation of Bill C-124, there has not been a demonstrated need for further amendments to assist battered women.

POLICIES

Guidelines were issued to prosecutors in the Northwest Territories regarding the handling of spousal assault cases in December 1983. These guidelines responded to recommendations of the Federal-Provincial Task Force on Victims of Crime and the concerns of many womens' groups. As these guidelines have only been in effect for 3 months, their impact is not yet known.

PROGRAMS

The Department of Justice has provided funds for demonstration and public legal information programs for battered women in the context of our initiatives to assist victims of crime. However, no funds have been provided for programs offering treatment to men who batter. Pending the completion of a survey of treatment programs currently being conducted by the National Clearinghouse on Family Violence, requests made to the Department of Justice for funding of such programs will be deferred.

OTHER ISSUES

There are a number of issues of interest to the Department of Justice requiring further consideration and consultation including:

- the victim's refusal to testify against her spouse where criminal charges have been laid;
- the role of the federal and provincial governments in providing services for victims of wife assault;
- the funding of services for victims of wife assault;
- the advantages and disadvantages of victim advocacy clinics;
- the responsibility for funding and research regarding treatment programs for batterers;
- the choice of family or criminal court to hear charges of wife assault.

The Department of Justice has recently received Cabinet approval for the continuation of our initiatives to assist victims of crime. Initiatives to assist and improve the situation for battered women will be developed in this context.

The Federal-Provincial Task Force on Justice for Victims of Crime made 15 recommendations designed to respond to the concerns of battered women. The recommendations are directed to police, prosecutors, social service ministries, housing ministries, education ministries and criminal justice officials. Many of the Task Force recommendations, including recommendations concerning battered women require federal and provincial consultation.

At the meeting of Federal-Provincial Deputy Ministers Responsible for Criminal Justice, held in February, it was agreed that a Federal-Provincial Working Group on Victims would be established to share information, monitor the progress of all jurisdictions in implementing appropriate recommendations and to examine certain issues, including methods for funding victim services, in greater detail. This Working Group will provide an excellent forum for federal-provincial consultation regarding recommendations made and initiatives taken to assist battered women.

THE PEOPLE'S LAW CONFERENCE

On April 9 and 10, 1984, in Ottawa, the Minister of Justice hosted the Second People's Law Conference on the Family and the Law. One of the workshops focused on Family Violence with an emphasis on Wife Battering. Participants were encouraged to make recommendations and suggest solutions to the problems faced by battered women.

RESEARCH

The Research and Statistics Section (within the Policy Planning and Development Branch of the Department of Justice) is responsible for developing and executing a number of research projects in conjunction with both departmental policy and programming initiatives. In formulating tentative plans to conduct research linked to the Federal response to the Federal Provincial Task Force on Justice for Victims of Crime, five potential projects were identified and preliminary work is already underway.

Three of these research projects focus on evaluation of the implementation of policy guidelines respecting police charging practices and subsequent prosecutorial activities. Work in this area will involve a research project in British Columbia and one in each of the Territories. In addition to addressing questions about guideline implementation, these projects will also examine a number of other research questions specific to each of the jurisdictions; for example, the work in British Columbia will deal with examining differences between the ways in which wife assault cases are handled in family versus criminal courts. Through a separate project, the Department would participate in a collaborative effort with the Ministry of the Solicitor General, and National Health and Welfare to evaluate treatment programs for men who batter. Research sites for this work have not yet been selected.

The fifth project would involve a financial contribution from the Department of Justice and the Ministry of the Solicitor General to assist the Saskatchewan Department of the Attorney General to conduct a comprehensive study on wife abuse. Data from this research would provide policy makers with a detailed examination and assessment of current practices for processing wife assault cases through the criminal justice system.

PROJECTS PROVIDING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE FUNDED BY THE DEPARTMENT OF JUSTICE, CANADA

B.C. Women's Research Centre - A Model of Protection for Battered Women	$ 14,280
Complainant Support Program, Hiatus House (Windsor, Ontario), Operation and Evaluation	$114,143
Public Legal Education Association of Saskatchewan (Saskatoon) - graphic printing - videotape materials for victim/witness assistance	$ 6,000
Public Legal Education Association of Saskatchewan (Saskatoon) - information materials on children and the law, family violence and curriculum materials	$ 5,186
Service de readaptation sociale Inc. (Quebec City) - victim/witness assistance materials	$ 9,000
Peoples Law School (Vancouver) - victim assistance materials	$ 3,050
Sexual Assault Centre of Edmonton - victim/witness information	$ 4,000
Department of Justice, New Brunswick - brochures for victims	$ 6,000

N.S. Family and Child Welfare Association - Research on child abuse and neglect	$ 33,065
Groupe d'interventions de recherches d'informations jeunesse (G.I.R.I.J.) Research Documentation to Support 3 Video Cassettes on Sexual Violence Against Youth	$ 38,625
Canadian Home and School and Parent-Teacher Federation Child Abuse Awareness Kit, Child Abuse Kit	$ 10,000
Canadian Association of Sexual Assault Centers - Consultation on Sexual Offences Legislation	$ 5,000
Department of Criminology and Continuing Studies - Simon Fraser University - Seminar on Sexual Aggression and the Law	$ 10,000
National Study on Sexual Affences Against Children and Youths (R. Badgley)	$1,869,253
Sexual Assault Centre of Edmonton - Victim/Witness Information Document	$ 4,000
Winnipeg Child Protection Centre - Child Abuse Project	$ 54,200
Groupe d'interventions de recherches et d'informations juridiques (G.I.R.I.J.) - (Legal Information to accompany an audio visual on sexual harassment and sexual assault)	$ 3,000

	FEDERAL JUSTICE CANADA
5th International Congress on Child Abuse and Neglect	$ 25,000
Saskatoon Interval House - (Public Legal Education Regarding Wife Abuse)	$ 12,750
Manitoba Committee on Wife Abuse - (Assistance for Rural Programs)	$ 20,317
Societe de readaptation sociale - Consultation-Action-Prevention (Education materials to prevent impaired driving)	$ 13,370
1983-84 British Columbia Attorney General's Department - Crown and Judge training program - Family Violence	$ 6,875
British Columbia Attorney General's Department - Public Legal Education Materials (Support to police charging policy)	$ 7,000
Saskatoon Interval House - Public Legal Education Materials regarding wife abuse	$ 12,750
Manitoba Committee on Wife Abuse - Assistance for rural programs	$ 20,317
Plaidoyers - victimes, Montreal - Support to coordinating body to assist victims	$ 7,000

CANADA EMPLOYMENT AND IMMIGRATION COMMISSION (CEIC)

CEIC

This is a report on the policies and programs of the Canada Employment and Immigration Commission (CEIC) which provide assistance to battered wives.

There are three areas in which CEIC policies and programs affect battered wives. These are:

1) Job Creation Programs
2) Employment Services
3) Immigration

A. JOB CREATION PROGRAMS

I. PAST INVOLVEMENT

Between 1980 and 1983, federal job creation programs provided approximately $3.5 M in contribution funds for jobs on projects associated with transition houses serving battered women. (See Appendix A for program and provincial breakdowns). The funds were provided through the Canada Community Development Projects program (CCDP) which was designed to create employment opportunities in areas of high unemployment, and the Canada Community Services Projects program (CCSP) which was directed towards job creation in the voluntary and community service sector. These programs also focussed on providing employment opportunities for women and other employment disadvantaged groups.

The job creation projects sponsored by groups associated with transition houses for battered women included activities such as:

- researching the availability of services for battered women in communities;
- exploring the feasibility of establishing transition houses;
- setting up transition houses (including building renovations);
- recruiting, interviewing and training volunteers in services for battered women;
- providing counselling and support for women in transition houses;
- improving and expanding services in transition houses;
- providing structured programs for the children of women staying in transition houses;
- providing advocacy and court support for battered women;
- doing follow up and providing support for former residents of transition houses;
- providing community outreach, including in rural areas;
- developing community awareness and workshops on family violence.

II. CONSOLIDATION OF JOB CREATION PROGRAMMING

In 1983, Employment and Immigration Canada undertook a major policy and program review of job creation programming. As a result of this process, the previous array of job creation programming has been consolidated into four main programs, which came into effect on September 12, 1983. Within the new consolidated framework, the programs under which transition houses have sought funding in the past, the CCDP and CCSP, have been subsumed into Canada Works and Career Access respectively.

The new programs are available to voluntary organizations as well as the private sector. Hence, transition home projects would be eligible to apply for funding, just like any other project that meets the primary criterion of creating incremental employment. One point that should be noted is that there is a clear stipulation under Canada

Works that projects involving community services must not create an on-going financial dependency. The Career Access program also requires that projects provide participants with opportunities for development and enhancement of skills.

B. EMPLOYMENT SERVICES

A range of employment services including placement, counselling and job training are offered to workers having problems in seeking and/or retaining employment, including battered women. These services are provided through Canada Employment Centers, specialized CEC units for women in major metro centres, and Outreach projects.

One Outreach project is sponsored by a transition house in St. John's, Newfoundland, and is focussed specifically on battered women. Several other Outreach projects give some emphasis to these women (e.g. Women's Career Counselling Service in Ottawa, Ontario; Women's Employment Outreach in Halifax, Nova Scotia). Some 99 other projects serve women exclusively and will provide assistance to battered women among their clientele. Other Outreach projects which deal with both sexes (Natives (103), disabled persons (49), youth (35) and older workers (8)), probably have battered women amongst their clients.

C. IMMIGRATION

Concerns have been expressed about sponsored immigrant women who are victims of physical abuse. They focus on two topics: legal status in Canada; and eligibility for social assistance.

I. LEGAL STATUS IN CANADA

It has been pointed out that "immigrant women" who have been sponsored by their husbands are vulnerable to deportation if they leave their husbands. Immigration has been called upon to ensure that a sponsored "immigrant woman" who is the victim of physical abuse is not required to leave Canada.

A few comments on immigration requirements in general are made to place the matter into perspective:

PERMANENT RESIDENCE

Generally-speaking, other than Canadian citizens, only those persons who have written permission from an immigration officer in the form of an immigrant visa may reside permanently in Canada. These permanent residents (formerly known as "landed immigrants") are entitled to practically all of the rights of Canadian citizens. Permanent residents are not subject to deportation solely because of a rift in the relationship with their sponsor. After living in Canada for three years, a permanent resident may apply to become a Canadian citizen.

GENERAL SPONSORSHIP PROVISIONS

Canadians and permanent residents may sponsor their close dependents abroad (spouses, underage children, parents) for admission to Canada as permanent residents. As part of the sponsorship application, a written undertaking is made to provide for the care, lodging and maintenance of the sponsored dependent, for a time period ranging from one to ten years, depending on the circumstances.

The sponsored dependent, after meeting our immigration requirements, receives an immigrant visa at a Canadian Consulate abroad and comes to Canada as a permanent resident.

The majority of sponsors do live up to their sponsorship obligations. When a breakdown occurs, the sponsor may not sponsor any other close dependents from abroad. The sponsored immigrant may remain in Canada indefinitely and may receive provincial assistance if required. (See Social Assistance Section).

SPECIAL PROVISIONS FOR SPONSORSHIP IN CANADA

Canadians or permanent residents who marry non-Canadians abroad may bring their spouse to Canada as visitors, instead of having the spouse wait abroad for an immigrant visa. Often, also, Canadians marry individuals who are in Canada but who are not permanent residents. In such cases, a sponsorship undertaking is made by the sponsor and arrangements are usually made to adjust the spouse's status to that of a permanent resident from within Canada. This procedure can take up to two years because it requires special approval in each instance from the Governor-in-Council. In the meantime, the spouse may remain in Canada as a visitor or as the holder of a Minister's Permit.

It is only a woman who is waiting to receive permanent resident status who faces the possibility of being required to leave Canada as a result of a rift in the relationship with her sponsor. In most such cases, the husband wishes to withdraw his sponsorship undertaking to provide for his estrange wife. Without this formal guarantee of support, the immigration legislation provides that an individual may not be granted permanent resident status as a member of the family class. Whenever this happens, however, Immigration conducts a full review of all of the circumstances to determine whether there are sufficient humanitarian and compassionate aspects to nonetheless warrant the granting of permanent resident status to the woman.

II. ELIGIBILITY FOR SOCIAL ASSISTANCE

Provincial eligibility criteria for social assistance generally preclude immigrants who have been sponsored. A sponsored immigrant woman who seeks provincial assistance is often encouraged to have her sponsor withdraw the undertaking of support. If this happens, the immigrant's legal status in Canada may be jeopardized, as described above. The Immigration Act does not deal with the eligibility of individuals for social assistance. It is entirely within the province's purview to decide whether or not to grant assistance to a needy newcomer despite the existence of a valid undertaking of support made by a relative.

Provision is made in the Immigration Act, however, for a province to recover the costs of social assistance from a Canadian sponsor who is in default of an undertaking of assistance.

As a matter of background, the principle behind the law governing the acceptance of undertakings from Canadian guarantors bringing their relatives to Canada is a two-pronged one. First of all, it is based on the belief that new arrivals, in need of help, should not have assistance denied to them solely on the basis of the existence of undertakings signed by Canadian guarantors. Secondly, the legislation envisages that the Canadian taxpayer should have some protection against social welfare expenses resulting from the possible actions of guarantors who might arrange for their relatives' admission and then attempt to shirk their responsibilities by allowing them to become charges against social assistance programs.

To give effect to these principles, section 120(1) of the Immigration Act allows the Minister of Immigration to assign to a province an undertaking of support made by a guarantor on behalf of relatives whose admission to Canada he is seeking to sponsor or assist.

As the party suffering "damages" from the guarantor's default, the provincial government may take legal action for recovery of the expenses incurred as a result of the breach of the undertaking of support. In this way, the needy immigrant is able to get the help he or she requires while at the same time taxpayers are protected.

The legislation goes one step further by recognizing that each province may have differing views about the principles governing the granting of various types of assistance. For example, some provinces may feel that certain of its social welfare programs might better be considered a normal entitlement of all residents, regardless of the existence of an undertaking. On the other hand, there are types of assistance which might be classified as exceptional, and which should consequently be provided from private, rather than public, funds. Provision is therefore made in the Immigration Regulations, 1978, for specifying those types of provincial payments which a province may seek to recover where payment was necessitated by a breach of an undertaking of support. The majority of provinces have identified the types of payments which they may seek to recover from a guarantor.

In essence, then, a province or municipality is not prevented in any way from providing assistance because of the existence of a valid sponsorship undertaking, and the CEIC does not require women to seek a breakdown of their sponsorship arrangements so that they can qualify for social assistance.

FEDERAL JOB CREATION PROGRAMS: FUNDING OF PROJECTS ASSOCIATED WITH SERVICES TO BATTERED WOMEN, 1980-1983

CANADA COMMUNITY SERVICES PROJECT

PROVINCE	PROJECTS	NUMBER OF JOBS	FEDERAL CONTRIBUTION
NEWFOUNDLAND	1	9	138,962.00
NOVA SCOTIA	1	1	11,374.00
PRINCE EDWARD ISLAND	1	3	63,955.00
NEW BRUNSWICK	4	19	327,175.00
QUEBEC	6	16	187,494.00
ONTARIO	15	40	600,352.00
MANITOBA	2	9	134,616.00
ALBERTA	2	4	87,594.00
SASKATCHEWAN	1	2	25,376.00
BRITISH COLUMBIA	12	23	316,022.00
TOTAL			$1,892,920.00

CANADA COMMUNITY SERVICES PROJECT

PROVINCE	PROJECTS	NUMBER OF JOBS	FEDERAL CONTRIBUTION
NOVA SCOTIA	1	2	23,920.00
NEW BRUNSWICK	4	8	34,406.00
QUEBEC	14	50	430,955.00
ONTARIO	25	83	718,452.00
MANITOBA	2	11	133,247.00
ALBERTA	1	2	14,459.00
SASKATCHEWAN	3	8	107,866.00
BRITISH COLUMBIA	4	13	112,676.00
TOTAL			$1,575,981.00
GRAND TOTAL			$3,468,901.00

Source: MIS, EMPLOYMENT DEVELOPMENT BRANCH

CANADA MORTGAGE AND HOUSING CORPORATION

A. BACKGROUND

Canada Mortgage and Housing Corporation (CMHC) is the federal government's housing agency, charged with the administration of the National Housing Act. It is a Crown Corporation with a Board of Directors reporting to a Minister responsible to Parliament. All programs developed are within the context of the enabling legislation of the National Housing Act.

The federal government through Canada Mortgage and Housing Corporation assists Canadians in two major ways. First, assisting those whose income is insufficient to gain access to adequate housing by encouraging and supporting, in conjunction with provinces, municipalities and their agencies, the provision of low and moderate income public housing, and by encouraging the establishment of non-profit and cooperative housing corporations. Second, CMHC insurers private residential mortgages to encourage an adequate supply of funds for housing.

The first objective is pursued through activities including public housing in which housing is owned by a public agency and allocated to needy tenants with rents related to income; and rent supplement arrangements in which housing is provided for needy tenants whether from the private market or in non-profit and co-operative projects with rents again on a rent-to-income basis. In all these cases, subsidies are shared between the Federal and Provincial Governments. Financial support for non-profit and co-operative housing is also included under this program. These subsidies are provided for by the Federal Government on a unilateral basis although Provinces are encouraged to participate. Special activities are conducted under the heading of the Rural and Native Housing Program for those in centres of 2,500 population or less.

CMHC assists the shelter, or capital component of residential buildings. CMHC also provides seed funding for individual groups and for resource groups to develop their housing proposals. In addition, rehabilitation assistance for groups purchasing existing buildings is available under the Residential Rehabilitation Assistance Program, (RRAP). However, sponsoring groups have the responsibility for acquiring operating funding. Their usual route is to apply for provincial government per diem operating subsidies.

B. RESPONSES TO THE NEEDS OF BATTERED WIVES

The private non-profit funding formula, formerly under Section 15.1 of the NHA (from 1973 to mid-1978) and currently under Section 56.1 (mid-1978 to present), has been the prime means selected by sponsors of housing for battered wives. The Residential Rehabilitation Assistance Program has also been used to complement the non-profit programs. Below is a short description of each of these programs.

NON-PROFIT HOUSING - DIRECT LOANS (1973-PRESENT)

Until the end of 1978, 100% direct loans were made by CMHC at below market interest rates to non-profit corporations for the development of low rental projects (NHA Section 15.1). Capital contributions equal to 10% of capital costs were also available. For tenants unable to pay economic rents, a rent supplement program is available whereby the difference between the economic rent of a project and the rent-to-income scale rent paid by low income tenants is equally shared by the Federal and Provincial Governments.

NON-PROFIT HOUSING - INSURED LOANS (1978-PRESENT)

Under Section 56.1 of the NHA introduced in early 1979 the Federal Government provides contributions to private non-profit corporations which operate rental housing projects for persons of low and moderate income. The mortgage loan is provided by private lenders insured under the NHA. The loan may be up to 100% of the cost of the project.

CMHC provides a subsidy equivalent to the difference between monthly mortgage payments at the mortgage rate of interest and the payment that would be required if the mortgage rate of interest was set at 2%. The assistance is based on full project costs and is advanced to coincide with the borrowers mortgage installments. To the extent that the assistance exceeds the difference between economic rent and lower end of market rent, the surplus is available to support tenants who cannot afford lower end of market rent.

RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM

Under Section 34.1 the Non-Profit Residential Rehabilitation Assistance Program, sponsors are eligible to receive forgiveable loans of $1,750 to $3,000 per hostel bed, depending on the project specifics, when acquiring existing properties which require major improvement/rehabilitation.

These programs were used for two types of housing projects as outlined below. Activity under these programs to date is shown on the summary table on the following page.

(i) EMERGENCY SHELTER

Emergency shelters have been developed in many Canadian cities to provide temporary accommodation, protection and support to battered wives and their children for periods anywhere from a few days to a few weeks. Those emergency shelters which have received CMHC assistance have all been funded under the Non-Profit programs.

(ii) SECOND STAGE HOUSING

Second Stage housing provides battered wives and their children with shelter, protection and support for periods longer than allowable in emergency housing. Currently, there are only a few projects of this type dedicated solely to the needs of battered wives and their children.

Upon leaving an emergency shelter or her original home, a battered wife may be eligible for shelter assistance from CMHC Social Housing Programs. These programs have been responsive to women in general; in 1980 60.8% of those households served were female-led, although unattached female senior citizens represented over half of those served. However, CMHC cannot quantify the number of battered wives served as a proportion of the total. At present, a battered wife is viewed as a single person or parent seeking longer term housing and must therefore compete for assistance with other needy households. Also, Social Housing Programs do not necessarily provide the type of protection and support that a battered wife and her children may require to adapt to their new lifestyle.

CANADA MORTGAGE AND HOUSING CORPORATION

TABLE 1

BATTERED WOMEN

UNITS COMMITTED BY PROGRAM AND YEAR AS OF 1 NOVEMBER 1983

	NO. PROJ.	NUMBER OF BEDS	(1) TOTAL COST	(2) SEC. 15.1 LOANS	(3) 10% CONTRIBUTION	(4) RRAP FORGIVENESS LOANS	(5) SEC.15.1 REPAYMENT LOANS	(6) SEC. 6/15 LOANS	(7) ANNUAL 56.1 SUBSIDY	OTHER FEDERAL GRANTS
1977	(1)	21	129 970	119 470	11 947	10 500	107 523	-	-	-
1978	(3)	52	444 555	418 555	41 855	26 000	376 700	-	-	-
1978	(5)	87	713 394	-	-	5 610	-	662 930	46 202	-
1979	(2)	32	228 722	-	-	-	-	228 722	16 444	-
1980	(8)	79	811 285	-	-	35 070	-	740 178	81 104	700
1981	(5)	63	668 032	-	-	53 777	-	465 351	83 894	-
1982	(22)	251	4 909 486	-	-	228 712	-	4 639 372	579 517	-
1983	(6)	81	1 214 017	-	-	45 250	-	1, 151 463	99 964	-
Total 15.1	(4)	73	574 525	538 025	53 802	36 500	484 223	-	-	-
Sec. 56.1	(48)	593	8 544 936	-	-	368 419	-	7 688 016	907 125	-
TOTAL	(52)	666	9 119 461	538 025	53 802	404 919	484 223			

Definitions

(1) Total Cost refers tothe total capital costs of the projects.

(2) Sec. 15.1 loans refers to financing provided in an earlier Non-Profit housing assistance program.

(3) 10% contribution refers to the maximum capital grant provided in complement to the earlier Non-Profit program.

(4) RRAP forgiveness loans refer to non-repayable loans required to rehabilitate existing dwellings with forgiveness to be earned at a given annual rate.

(5) Sec. 15.1 repayment loans refer to the portion of capital costs financed under Sec. 15.1 and to be repaid at 8% mortgage rate.

(6) Sec. 6/15 loans pertain to mortgage financing insured by CMHC.

(7) Annual 56.1 subsidy indicates the estimated annual CMHC contribution to the shelter operating costs of the projects.

N.B. pertains to CMHC assisted projects only.

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	RRAP	OTHER GRANT	CONTRIBUTION	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1976								
Calgary	08-484-800	Calgary Women's Shelter	30 Beds	204 537	15 000	-	18 954	50 Year Term

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	SECTION 15.1 LOANS	RRAP	10% CONTRIBUTION	REPAYMENT LOANS
1977 Toronto	08-131-168	Interval House Inc. 596 Huron St., Toronto	21 Beds	129 970	10 500	11 947	107 323
1978 Halifax	10-158-301	Halifax Transition Hsg. Assoc. 1271 South Park St., Halifax	24 Beds	173 802	12 000	16 180	145 622
1978 Sault Ste-Marie	08-163-89	Women in crisis (Algoma) Inc. 173 March St., Sault Ste. Mari	12 Beds	100 559	6 000	9 456	85 103
1978 Toronto	09-192-451	Women's Habitat of Etobicoke 149 Stanley Ave.	16 Beds	170 144	8 000	16 219	145 975
		3 PROJECTS	52	444 555	26 000	41 855	376 700

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/FLL	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1979									
Pembroke	08-105-637	Bernadette McCann House for Women	14 Beds	62 107	56 497	5 610		4 310	
Windsor	06-219-626	Hiatus House	24 Beds	130 000	Sec. 15 130 000	-		8 009	
Toronto	09-876-152	Nellie's Women's Hostel	28 Beds	375 887	Sec. 15 355 887	-		25 075	
Regina	09-574-625	Regina Transition Women's Soc.	10 Beds	55 000	Sec. 15 44 000		Prov. 11 000	2 968	
Saskatoon	09-633-074	Battleford's Interval House 11315 St. Laurent Drive, North Battleford	11 Beds	91 400	76 546	-		5 840	
		5 PROJECTS	87 BEDS	713 394	662 930	5 610	11 000	46 202	

* 16 Beds to be adjusted in 1983

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/FLL	RHAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1979									
Ottawa	08-106-288	Interval House 93 Lebreton St. Ottawa	20 Beds	141 052	141 052	-		10 885	
Vancouver	10-436-046	Langley Transition House Society Langley St.	12 Beds	87 670	87 670	-		5 559	
		2 PROJECTS	32 BEDS	228 722	228 722			16 444	

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/FEE	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION 'ERIOD (OTHER 'HAN 35 YRS.)
1981									
Charlottetown	10-850-147	Anderson House	12 Beds	77 864	70 570 794	6 500	-	8 712	25 Years
Montreal	10-531-697	Centre Refuge	15 Beds	97 750	64 674 809	9 807	-	11 781	25 Years
Mississauga	10-261-576	Interim Place	18 Beds	315 797	133 929 1 674	33 750	8 000 Mun Assts. 116 677 Prov. & Op. Subsidy 30 600	36 044	15 Years
Lethbridge	10-301-158	Medicine Hat Women's Shelter	12 Beds	122 006	120 500 1 506	-	Prov. Asst. & Op. Subsidy 106 512	18 349	
Cranbrook	11-448-032	Women in Need Soc	6 Beds	74 615	70 020 875	3 720	-	9 008	25 Years
		5 PROJECTS	63 BEDS	688 032	465 351	53 777	8 000	83 894	

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/TEE	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1980									
Montreal	10-994-796	Auberge Transition	14 Beds	86 559	54 000	6 410	-	5 958	25 Years
Longueuil	09-075-763	La maison de l'accueil	9 Beds	78 212	76 901 961	-	-	8 707	
Milton (Mississauga)	10-261-618	Halton Women's Place	12 Beds	123 953	123 953			12 379	
Hamilton	09-486-887	Inasmuch House	8 Beds	129 754	119 708	8 550	-	14 744	
London	10-682-516	Women's Community House	10 Beds	84 499	66 600	16 465	-	9 411	
Kelowna	10-095-180	Central Okanagan Emergency Shelter Soc.	9 Beds	89 697	87 434	-	-	9 275	
Kelowna	10-095-172	Vernon Women's Trans. House Soc.	7 Beds	99 990	92 000	3 645	700 CHIP Grant	9 178	
Quesnel (Pr. Geo.)	09-223-918	Amata Transition House	10 Beds	118 621	118 621	-		11 452	
		8 PROJECTS	79 BEDS	811 285	740 178	35 070	700	81 104	

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/FEE	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1981									
Charlottetown	10-050-147	Anderson House	12 Beds	77 864	70 570 794	6 500	-	8 712	25 Years
Montreal	10-531-697	Centre Refuge	15 Beds	97 750	64 674 809	9 807	-	11 781	25 Years
Mississauga	10-261-576	Interim Place	18 Beds	315 797	133 929 1 674	33 750	8 000 Mun Assts. 116 677 Prov. & Op. Subsidy 30 600	36 044	15 Years
Lethbridge	10-301-158	Medicine Hat Women's Shelter	12 Beds	122 006	120 500 1 506	-	Prov. Asst. & Op. Subsidy 106 512	18 349	
Cranbrook	11-448-032	Women in Need Soc.	6 Beds	74 615	70 020 875	3 720	-	9 008	25 Years
		5 PROJECTS	63 BEDS	688 032	465 351	53 777	8 000	83 894	

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/FEE	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1982									
St. John's	10-550-309	Phase II of the Transition House Project	8	149 926	148 075	-	-	16 347	
St. John's	10-550-242	Committee on Family Violence	6	96 643	72 240	- -	5 000 Prov. 33 661 Other 101 341	9 682	
Halifax	11-774-221	W. Williams N/P Hsg. Soc.	9 Beds	218 101	193 186 2 415	22 500	-	21 872	
Longueuil	11-048-840	Habitat pour femmes	10 Beds	84 815	70 138 877	7 500		7 312	
Longueuil	11-048-246	Carrefour pour elle	20 Beds	310 056	259 067 3 239	47 750	-	32 386	
Longueuil	11-048-790	Maison coup d'elle	9 Beds	73 164	72 280 904	-	-	10 503	
Montreal	11-489-044	West Island Women's Shelter Foundation	15 Beds	98 160	85 096 1 063	2 000	-	13 409	
Hamilton	12-433-975	Nova Vita Shelter	12 Beds	132 770	118 137 1 495	13 137	-	13 412	
Ottawa	10-445-658	Kingston Interval House	6 Beds	125 366	114 189 1 427	9 750	-	18 278	25 Years
Kitchener	08-053-910	Anselma House	10 Beds	52 000	51 350 650	-	-	5 406	25 Years
Oshawa	11-675-998	Crossroads	16 Beds	103 377	60 980 772	10 125	-	10 325	30 years
St. Catharines	10-803-823	Women's Place	8 Beds	251 100	248 000 3 100		(Soc. Svcs. 77 000)	56 803	

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER BEDS/UNITS	COST	SECTION 6 LOAN/FEE	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1982 St. Catharines	11-535-754	Niagara Women in Crisis	5 Beds	125 321	100 350 1 271	6 700	(Social Svcs. 64 000)	14 528	25 Years
Sudbury	09-917-220	Geneva House	24 Beds	628 201	464 570 5 881	57 750	100 000	61 304	
Toronto	11-014-578	Yellow Brick House	16 Beds	403 857	369 488 4 619	29 750	-	57 665	30 Years
Toronto	11-365-178	Emily Stowe Shelter For Women	23 Beds	645 721	614 292 7 679	21 750	2 000	95 631	
Edmonton	12-565-248	Lloyminister Interval Home Soc.	4 Units	147 958	107 000	-	Prov. Asst. 102 000 Other 48 000	12 851	10 Years
Lethbridge	10-301-273	Harbour House Women's Emergency Shelter	12 Beds	340 200	336 000	-	Prov. Asst. 127 586 Donations 13 200	30 872	
Red Deer	08-523-581	Central Alberta Women's Emergency Shelter	16 Beds	417 150	412 000 5 150	-	Prov. Asst. 160 000	40 232	
Vancouver	11-422-532	Upper Fraser Valley Transition Soc.	8 Beds	110 683	109 299 1 384	-	16 289	9 541	25 Years
Vancouver	11-422-565	Sunshine Coast Transition House	6 Beds	136 709	135 000 1 709	-	Prov. Asst. 12 535	14 280	
Kelowna	12-146-015	Vernon Women's Transition House	8 Units	258 188	255 000	-	-	26 968	25 Years
		22 PROJECTS	251 UNITS/ BEDS	4 909 486		228 712		579 517	

CANADA MORTGAGE AND HOUSING CORPORATION

REGION/ CITY	ACCOUNT NUMBER	NAME	NUMBER . BEDS/UNITS	COST	SECTION 6 LOAN/FEE	RRAP	OTHER GRANT	AMOUNT OF 56.1 ASSIST.	AMORTIZATION PERIOD (OTHER THAN 35 YRS.)
1983									
Halifax	11-774-221	W. Williams N/P Housing	5 Units	110 327	101 558 1 269	7 500	-	11 019	
Longueuil	* See Below								
Montreal	13-108-048	L'Escale pour elle	14 Beds	165 743	136 730 1 709	20 000	-	13 912	
Ottawa	13-484-977	Lanark County Interval House	8 Beds	130 151	101 121 1 280	17 750	-	12 701	
Saskatoon	11-558-632	Saskatoon Interval House	30 Beds	371 252	366 669 4 583	-	Prov. Asst. 242 041	25 331	
Prince George	10-885-721	South Peace Community Res.	12 Beds	157 975	156 000 1 975	-	Prov. Asst. 58 683	13 616	
Prince George	10-884-252	South Peace Community Res.	12 Beds	278 569	275 130' 3 439	-	Prov. Asst.	23 383	4 Beds for Women 8 Beds for Children
		6 PROJECTS	81	1 214 017	1 151 463	45 250		99 964	

* Longueuil Maison Notre-Dame de Sorel 15 Beds - Proposed 1983 Commitment in Process

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT (DIAND)

This will deal exclusively with the programs and services available to battered Indian women ordinarily resident on reserve as services to Indians resident off reserve have traditionally been considered provincial responsibility.

This report will examine the current legislative framework and existing programs and services available, in relation to the particular needs of battered women. This report will necessarily be preliminary. Further studies of various issues will be recommended. The report will reflect the current trend towards greater Indian autonomy and will suggest a process in which Government initiatives might be taken on this issue at this time without conflicting with this trend.

I. LEGISLATION, POLICIES, PROGRAMS AND SERVICES

There are a number of factors which are determinants in dealing with the problem of battered Indian women. The Department of Indian Affairs and Northern Development (DIAND) has established special federal/provincial/territorial arrangements for the provision of police services on reserves, and have allowed for related cost-sharing where appropriate. The Governor-in-Council has power to appoint Justices of the Peace under Section 107 of the Indian Act to exercise powers related to common assault offences. The Ministers of Indian Affairs and Northern Development has power to issue certificates of possession to reserve lands occupied by Indians in accordance with allotments, made by Band Councils.

Health clinics on reserves are operated by the Department of National Health and Welfare. Social assistance are provided by DIAND in accordance with prevailing provincial practices. The programs and services themselves may be delivered by Band employed workers for whom para-professional training may be provided by the Department. DIAND provides housing in accordance with Band Council established priority lists based on needs within the community. DIAND assumes the cost of the education of Indian children on reserve who attend Band or federally-operated schools on reserve or provincially-operated schools off-reserve.

POLICE SERVICES

While policing as a component of the administration of justice lies within provincial jurisdiction, the provision of police services to reserves raises special considerations. These considerations have led to the development, in the mid-70's, in conjunction with the RCMP, of special federal/provincial/territorial arrangements for the provision of on reserve police services. The arrangements establish a wide variety of police force coverage including the RCMP (Indian Special Constable Program), provincial police, municipal police, Band constable and Tribal police forces. Better understanding and acceptance of the role of police within the community has been achieved in varying degrees. Nevertheless, the need for greater sensitization in police training to the serious problem of wife battering and other manifestations of family violence has been recognized. Currently, RCMP-trained Special Indian Constables receive seven and one-half (7½) hours of crisis-intervention training, aimed at providing recruits with the skills necessary to deal with wife battering and other family violence situations.

COURTS

The Governor in Council has power under Section 107 of the Indian Act to appoint Justices of the Peace who have powers to deal with a limited number of Criminal Code offences including common assault. Such Justices of the Peace could issue informations laid by police, witnesses or the victim, charging the alleged offender, and hear the case.

THE MATRIMONIAL HOME

The *Indian Act* provides that the Minister may issue certificates of possession to occupants of reserve land allocated to them by the Band council. Certificates of possession issued by the Minister may be issued in both spouses' names though this is not required. This may vary from Band to Band, depending on individual or Band preference.

HEALTH SERVICES

Most health services on reserve are provided by the Department of National Health and Welfare.

SOCIAL DEVELOPMENT

Battered women are eligible for social assistance if they meet the regular criteria based upon need. Through other social services per diem rates for stays at a transition homes may be funded. The per diem method of payment is based on provincial practice as Departmental practices follow those of the various provinces.

Counselling services are provided on reserve by Band or DIAND social workers. These workers may receive paraprofessional training from the Department.

TRANSITION HOMES

While DIAND provides capital funds for Band Council facilities, community infrastructure, schools and community halls, no capital funds have been designated for transition homes. Any Band Council which might express an interest in constructing a transition home would be directed to Canada Mortgage and Housing Corporation for capital funds, and CEIC for labour costs.

DIAND provides housing construction subsidies for home construction on reserve. These funds are complemented by CMHC low-interest mortgages and CEIC labour funds. Band Councils determine the disposition of these funds primarily on a needs basis. Band Councils could use such funds to construct a transition home.

The announcement of the Province of Ontario's intention to construct four family resource centres on or near reserves in Blind River, Moosonee, Pickle Lake and Lake Couchiching to serve the needs of battered Indian women, among other things, is welcomed by the Department.

EDUCATION

DIAND provides for the education of status Indian children living on reserve or on Crown land, through on reserve Band or federally-operated schools, or through master tuition agreements with provinces for seats in off-reserve schools.

SECRETARY OF STATE

WOMEN'S PROGRAM

The Women's Programme provides funding for women's groups undertaking different types of projects such as: conferences; publications; seminars; administrative assistance. The programme cannot, however, provide funds for operating costs for services which fall under provincial jurisidiction.

It has been a priority of Women's Program for the past several years to support projects which focus on attitudinal and structural changes related to violence against women. In reviewing 200 projects funded in 1983-84, it was found 57, or 28%, had violence as a main focus. There have been a wide variety of projects such as public education projects sponsored by transition houses and rape crisis centres, issues of magazines dealing with violence, production of information kits, establishment of networking systems, media projects and general public awareness programs on wife battering and causes of violence.

On many other occasions, Violence/Pornography was part of an agenda of workshops being presented at a conference or within a group's yearly program. While not necessarily the sole focus, the support of these projects continued to help increase public awareness of the problems related to the issue of violence.

In addition, a quick review of projects funded in 1981-82, and 1982-83 showed the following:

1981-82: An estimated $435,000 was committed to 74 projects concerning the issue of violence against women.

1982-83: $317,697 was committed to 47 projects relating to family violence.

1982/83 PROJECTS RELATED TO VIOLENCE

PROVIDING ASSISTANCE, COUNSELLING AND EDUCATION ON SEXUAL ASSAULT AND SEXUAL ABUSE (P.A.C.E.) - ALBERTA

To train volunteers and educate the public on sexual assault and sexual abuse.

WOMEN TODAY - ONTARIO

A rural outreach project involving rural women in initiating educational and action strategies on violence to women, the portrayal of women in rural media and birthing.

AD HOC COMMITTEE ON FAMILY VIOLENCE - YUKON

A two day workshop to work towards an intercommunity organization of professionals and para-professionals dealing with family violence, and to increase public awareness on the issue and services.

YUKON WOMEN'S TRANSITION HOME SOCIETY - YUKON

To assist Board members in gaining an understanding of the structure, roles and responsibilities of an effective working Board.

KAMLOOPS NICOLA RAPE CRISIS CENTRE - BRITISH COLUMBIA

To promote community awareness of rape and sexual assault: to train rape crisis counsellors; to establish an effective organization.

CENTRAL ALBERTA WOMEN'S EMERGENCY SHELTER (C.A.W.E.S.) - ALBERTA

To provide the community with education on wife battering and develop organization skills among women to open a women's emergency shelter in central Alberta.

PICTOU COUNTY WOMEN'S CENTRE - NOVA SCOTIA

To do public education on wife battering, provide an information service to battered women in crisis and train volunteers.

CAPE BRETON TRANSITION HOUSE ASSOCIATION - NOVA SCOTIA

To produce an audio-visual presentation on family violence, in Cape Breton and develop a general public awareness program.

PINECREST-QUEENSWAY COMMUNITY SERVICE BOARD - ONTARIO

To provide battered women with alternatives to their emotional and economic dependence in violent relationships.

S.P.C.A. OF CAMBRIDGE - ONTARIO

A self-education and action research project focussing the causes of violence against women, what the alternative to images of women in the media can be and ways of taking local action.

SUNSHINE COAST TRANSITION HOUSE - BRITISH COLUMBIA

To develop methods for recruitment and training of volunteers and to publish a newsletter.

SOCIETY OF TRANSITION HOUSES OF B.C. - BRITISH COLUMBIA

To hold meetings of members to address topics as funding, problems of women in single industry town setting, native women in transition, staff burnout, and evaluation.

ANNEX A

FEDERAL RESPONSE TO THE REPORT OF THE STANDING COMMITTEE ON HEALTH, WELFARE, AND SOCIAL AFFAIRS ON VIOLENCE IN THE FAMILY - WIFE BATTERING.

FEDERAL RESPONSE

to the Report on Violence in the Family: Wife Battering

Standing Committee on Health, Welfare, and Social Affairs

House of Commons

R.C.M.P. TRAINING
(Recommendations 1-4)

RECOMMENDATION #1

Members of the R.C.M.P. who act as provincial or territorial police should receive training which is specifically related to answering calls in cases of wife battering. As a result of this training each officer should have an understanding of the problem of wife battering; he or she should also be willing and able to guide the victim to an emergency shelter, and to give her accurate information about the legal and other services available to her in or near the community.

RESPONSE

SOLICITOR GENERAL/JUSTICE

Recent changes initiated by the RCMP relate to the broader area of family crisis intervention but do include some specialized training on wife battering. RCMP training in crisis intervention is continually revised to reflect new directives and changes in policy. In addition to revising existing courses for recruits and managers, a new course for RCMP investigators, which will focus on the important role the police play in supporting and assisting victims, is currently under consideration. Updates to policies also have been made on the need for complete investigations and gathering of evidence and where indicated, the laying of charges for wife assault cases.

Policemen must be able to provide knowledge about the criminal justice system and information about legal alternatives and support organizations open to the victim.

INDIAN AND NORTHERN AFFAIRS

While policing as a component of the administration of justice lies within provincial jurisdiction, the provision of police services to reserves raises special considerations. These considerations have led to the development, in the mid-70's, in conjunction with the RCMP, of special federal/provincial/territorial arrangements for the provision of on reserve police services. The arrangements establish a wide variety of police force coverage including the RCMP (Indian Special Constable Program), provincial police, municipal police, Band constable and Tribal police forces. Better understanding and acceptance of the role of police within the community has been achieved in varying degrees.

RESPONSE

INDIAN AND NORTHERN AFFAIRS

Nevertheless, the need for greater sensitization in police training to the serious problem of wife battering and other manifestations of family violence has been recognized. Currently, RCMP-trained Special Indian Constables receive seven and one-half (7½) hours of crisis-intervention training, aimed at providing recruits with the skills necessary to deal with wife battering and other family violence situations.

FUTURE AND OTHER RELATED INITIATIVES

SOLICITOR GENERAL/JUSTICE

The RCMP will continue to examine and update its training programmes related to spousal assault, and to develop training materials for use by all police agencies.

The Ministry also has been actively promoting police charging policies through its dealings with the police community. In addition to recommendations in this regard to such groups as the Canadian Association of Chiefs of Police, the Solicitor General and Minister of Justice issued in December of 1983 policy directives instructing the RCMP and Crown Attorneys in the Yukon and Northwest Territories (where the Federal Government is responsible for the administration of justice) to charge and prosecute cases of wife assault where there are reasonable and probable grounds to believe that an offence has been committed. The directives emphasize the need to remove the responsibility and blame for pressing charges from the women.

Directives issued to prosecutors in the Northwest Territories and Yukon regarding the handling of wife assault cases will be monitored and evaluated to determine their effect on the victim and offender.

FUTURE AND OTHER RELATED INITIATIVES

INDIAN AND NORTHERN AFFAIRS

The capacity of police serving reserves to respond to wife battering situations will be examined in terms of special training, authority of officers, instruction and direction given officers, area of service and proximity and frequency of patrol. The national policing policy review is a good starting point for this examination.

RECOMMENDATION #2

The police training program should be developed with the assistance of those people in the community who are responsible for providing services to battered women.

RESPONSE

SOLICITOR GENERAL

This has been done and is part of an ongoing development of training programs.

RECOMMENDATION #3

The R.C.M.P. should introduce an affirmative action hiring program to increase the number of women officers. It should assign male-female teams to family violence cases.

RESPONSE

SOLICITOR GENERAL

The R.C.M.P. agrees with Affirmative Action in principle but while there is a priority on hiring qualified women (there were none until 7 or 8 years ago), there have been no new positions available other than those created by attrition in the past 3 years. Male/female teams, while a goal for large municipal jurisdictions, are not possible in rural or isolated areas where staff is limited.

RECOMMENDATION #4

Competent or outstanding performance of duties associated with family violence calls should be rewarded in the same way that such performance is rewarded with respect to other duties.

RESPONSE

SOLICITOR GENERAL

The RCMP has, in place, a system for recognizing and rewarding competent performance of duty. This system applies to all duties associated with law enforcement including family violence.

FUNDING FOR SHELTERS

RECOMMENDATION #5

With the consent of the provinces, federal monies should be appropriated to fund the initial capital costs of new emergency shelters and second stage housing. Funds for each house should be adequate to cover all staffing costs and the costs of child care services as well as building costs, and should be available for a long enough period to ensure the stability of the project.

RESPONSE

Public financing for shelters continues to be a joint federal/provincial undertaking with capital costs of the shelter itself provided by Canada Mortgage and Housing and other costs supplied through provincial welfare programs, usually in association with the Canada Assistance Plan. Staffing and some other related costs have been provided by Canada Employment and Immigration through job creation programs as well.

CANADA MORTGAGE AND HOUSING

Currently Canada Mortgage and Housing supplies funding to sponsors of housing for battered wives primarily through the private non-profit funding formula:

a) Until the end of 1978, 100% direct loans were made by CMHC at below market interest rates to non-profit corporations for the development of low rental projects (NHA Section 15.1). Capital contributions equal to 10% of capital costs were also available. For tenants unable to pay economic rents, a rent supplement program is available whereby the difference between the economic rent of a project and the rent-to-income scale rent paid by low income tenants is equally shared by the Federal and Provincial Governments.

RESPONSE

b) Since 1979 mortgage insurance covering 100 per cent of the capital cost of new emergency shelters is available under Section 6 of the National Housing Act (NHA). Under Section 56.1 of the legislation, CMHC provides a subsidy in the form of a grant equivalent to a maximum annual write-down of mortgage interest to 2 per cent to meet mortgage servicing requirements over a 35 year amortization period. The subsidy substantially reduces the housing related costs of the project.

These programs have been used both for emergency shelters and second stage housing although there are currently very few of the latter.

Upon leaving her home or a shelter, a battered wife may also be eligible for assistance from CMHC Social Housing programs. While these programs have been generally responsive to women, CMHC cannot quantify the number of battered wives serviced as a proportion of the total. At present, a battered wife is viewed as a single person or parent seeking longer term housing and must therefore compete for assistance with other needy households. Also, Social Housing Programs do not necessarily provide the type of protection and support that a battered wife and her children may require to adapt to their new lifestyle. This last point, however, is not part of CMHC's mandate.

EMPLOYMENT AND IMMIGRATION

Between 1980 and 1983, federal job creation programs provided approximately $3.5 M in contribution funds for jobs on projects associated with transition houses serving battered women. The funds were provided through the Canada Community Development Projects program (CCDP) which was designed to create employment opportunities in areas of high

RESPONSE

unemployment, and the Canada Community Services Projects program (CCSP) which was directed towards job creation in the voluntary and community service sector. These programs also focussed on providing employment opportunities for women and other employment disadvantaged groups.

The job creation projects sponsored by groups associated with transition houses for battered women included activities such as:

- researching the availability of services for battered women in communities;
- exploring the feasibility of establishing transition house;
- setting up transition houses (including building renovations);
- recruiting, interviewing and training volunteers in services for battered women;
- providing counselling and support for women in transition houses;
- improving and expanding services in transition houses;
- providing structured programs for the children of women staying in transition houses;
- providing advocacy and court support for battered women;
- doing follow up and providing support for former residents of transition houses;
- providing community outreach, including in rural areas;
- developing community awareness and workshops on family violence.

RESPONSE

Since September 1983, due to a consolidation of job creation programming CCDP and CCSP have been subsumed into Canada Works and Canada Access respectively. The new programs are available to voluntary organizations as well as the private sector. Hence, transition home projects would be eligible to apply for funding, just like any other project that meets the primary criterion of creating incremental employment. One point that should be noted is that there is a clear stipulation under Canada Works that projects involving community services must not create an on-going financial dependency. The Career Access program also requires that projects provide participants with opportunities for development and enhancement of skills.

INDIAN AND NORTHERN AFFAIRS

While DIAND provides capital funds for Band Council facilities, community infrastructure, schools and community halls, no capital funds have been designated for transition homes. Any Band Council which might express an interest in constructing a transition home would be directed to Canada Mortgage and Housing Corporation for capital funds, and CEIC for labour costs.

DIAND provides housing construction subsidies for home construction on reserve. These funds are complemented by CMHC low-interest mortgages and CEIC labour funds. Band Councils determine the provision of these funds primarily on a needs basis. Band Councils could use such funds to construct a transition home.

RESPONSE

The announcement of the Province of Ontario's intention to construct four family resource centres on or near reserves in Blind River, Moosonee, Pickle Lake and Lake Couchiching to serve the needs of battered Indian women, among other things, is welcomed by the Department.

Battered women are eligible for social assistance if they meet the regular criteria based upon need. Through other social services per diem rates for stays at a transition home may be funded. The per diem method of payment is based on provincial practice as Departmental practices follow those of the various provinces.

Counselling services are provided on reserve by Band or DIAND social workers. These workers may receive paraprofessional training from the Department.

NATIONAL HEALTH AND WELFARE

The Canada Assistance Plan cost-shares with provinces a range of services used by battered women and their children. These services are encompassed under "Assistance" or "Welfare Services" provisions of CAP legislation, and, in general, are shared on a 50-50 basis. Among the shared services available to battered women are:

- care and services in residential facilities, including transition houses and shelters specifically set-up for battered women and their children;
- counselling, assessment and referral;
- homemaker, daycare, and community development services; and
- administration, consultation and research services.

RESPONSE

Transition houses and shelters are considered within CAP legislation as "homes for special care", as part of "Assistance" provisions. Such homes in order to qualify for cost-sharing, must be listed in Schedule A of the CAP agreement. The initiative to submit a home for listing, however, rests with the province. Cost-sharing for the homes for a person determined to be in need. "Care" includes room and board and a range of welfare services. Per diem rates are set by the province and therefore can vary within and among provinces.

Welfare services provided to non-residents of a home for special care are also cost-shared. It is important to note that the provinces are responsible for designing their welfare services programs and for deciding who will receive subsidies for such services.

With regard to day care services, these can be cost-shared if they are provided either within or outside of the transition house of shelter, as either "assistance" costs (for residents) or "welfare service provisions" (for non-residents).

FUTURE AND OTHER RELATED INITIATIVES

CANADA MORTGAGE AND HOUSING

Since there is no evidence that capital funding is a problem, it is recommended that current CMHC assistance for transition homes remain unchanged.

Part V of the NHA is available to finance private research proposals which seek to review funding problems inhibiting the creation of emergency shelters for battered wives and their children.

FUTURE AND OTHER RELATED INITIATIVES

EMPLOYMENT AND IMMIGRATION

Job creation programs could play a role in the future as part of a continuum of services for battered women. In particular, both the human resource development objectives of job creation programs and the needs of women using transition houses might be appropriately met through projects providing auxiliary services such as employment counselling, labour market preparation and entry assistance, for those clients who want and need such services.

The objective of job creation programs is to create jobs for unemployed persons, a goal with different implications from those of providing shelter and supportive services for women who have been abused and their children. The extent to which community groups have turned in the past to job creation programs for funding of projects serving battered women might be regarded as an indication of a need which would seemingly require stable and long term funding. The attention of policy makers to this issue is therefore timely.

In addition to shelter-related funding, CEIC also provides assistance to battered women through a range of employment services including placement, counselling and job training for workers having problems in seeking and/or retaining employment, including battered women. These services are provided through Canada Employment Centers, specialized CEC units for women in major metro centres, and Outreach projects. One Outreach project focuses specifically on battered women, others include them in an all female clientele, or in another special group of both sexes such as Natives.

FUTURE AND OTHER RELATED INITIATIVES

INDIAN AND NORTHERN AFFAIRS

The Department will monitor closely any discussions by provincial governments on the issue of per diem reimbursement versus advance funding for transition homes. For such transition homes that might be opened on reserves, the Department will conduct its own study on funding.

The Department will conduct a survey of its social services practices as they relate to battered women. The eligibility criteria will be studied to determine whether the husband's income is taken into consideration in determining eligibility and whether children are included in the calculation. Consideration could be given to introducing a shortened means test if such is not already in place in all regions.

NATIONAL HEALTH AND WELFARE

A national consultation of transition houses will be held in 1984-85 to discuss funding and programming.

An overview of services in transition houses to women and children will be made available for decision-making at the provincial and local levels. This work is in progress.

RECOMMENDATION #6

Unoccupied buildings owned by the Crown should be converted into emergency shelters in those areas where it is possible to do so.

RESPONSE

CANADA MORTGAGE AND HOUSING

The Corporation does not have a significant inventory of vacant buildings. Those it does possess remain vacant or unsold only temporarily. However, if a sponsor were interested in purchasing a CMHC acquired unit, the request would be considered on the same basis as requests from other eventual purchasers.

* There is no one central government organizations that has information on all vacant. government buildings.

RECOMMENDATION #7

The Federal Government should encourage the use of the provisions of the National Housing Act which relate to loans and contributions to charitable associations and corporations, for the specific purpose of acquiring or constructing emergency and second stage housing for battered women.

RESPONSE

CANADA MORTGAGE AND HOUSING

Information on CMHC programs which provide battered wives' shelters with start-up and subsidy assistance will continue to be available to sponsors of emergency and second stage accommodation as well as to related women's organizations.

RECOMMENDATION #8

The Canada Mortgage and Housing Corporation should be encouraged to direct that a certain number of units in housing subsidized by the Corporation be set aside as second stage or permanent housing for battered women with children.

RESPONSE

CANADA MORTGAGE AND HOUSING

No permanent housing special allocation is contemplated as it is felt that needs for this kind of housing are already accounted for in the CMHC general allocation formula.

FUTURE AND OTHER RELATED INITIATIVES

CANADA MORTGAGE AND HOUSING

Canada Mortgage and Housing Corporation is already directing a certain number of its subsidized housing units to battered wives and will monitor the extent to which they are taken with a view to reporting back to Status of Women on the take-up of these units.

Canada Mortgage and Housing will seek to improve the access of battered wives and their children to subsidized housing by:

a) providing the Status of Women and the National Clearinghouse on Family Violence with materials on CMHC programs, and

b) assist in the sponsorship of a National Consultation of Transition Houses organized by the Status of Women.

RECOMMENDATION #9

Research and funding programs within the Department of National Health and Welfare should be used to suggest plans and help implement proposed projects for housing rural women and women from isolated areas who do not want to be removed to urban centres but whose numbers do not warrant the establishment of a transition house.

RESPONSE

HEALTH AND WELFARE

Some provinces and territories, with financial assistance from NHW, have developed innovative solutions. The Federal-Provincial working group on wife battering has contributed to information sharing among provinces on this topic.

INDIAN AND NORTHERN AFFAIRS

Services to battered women on reserve come under the authority of various departments and levels of government. Health clinics on reserves are operated by the Department of National Health and Welfare. Social assistance is provided by DIAND in accordance with prevailing provincial practices. The programs and services themselves may be delivered by Band employed workers for whom paraprofessional training may be provided by the Department. DIAND provides housing in accordance with Band Council established priority lists based on needs within the community.

SOLICITOR GENERAL

The Restigouche Family Crisis Interveners Program in five rural areas in northern New Brunswick represents an important model, not only because of its rural nature, but because it is one of the few approaches to rely on community

RESPONSE

volunteers rather than professionals as a back-up to the police. Private homes also are used as emergency shelters because of the lack of transition centres. The Ministry helped fund this programme as a demonstration project, and funded an evaluation study, audio-visual materials, and a conference for interested officials from the Atlantic Provinces.

EMPLOYMENT AND IMMIGRATION

Concerns have been expressed about sponsored immigrant women who are victims of physical abuse. Though not geographically isolated, they are set apart by questions regarding their legal status in Canada and their eligibility for social assistance.

Special circumstances surround a woman who has married a Canadian or permanent resident but is in Canada as a visitor either because the woman was already here as such or did not want to wait abroad for an immigrant visa. While waiting for permanent resident status, she is vulnerable to deportation if the sponsorship breaks down, although a complete review of circumstances may grant permanent resident status on humanitarian and compassionate grounds.

The Immigration Act does not deal with the eligibility of individuals for social assistance. It is entirely within the province's puriew to decide whether or not to grant assistance to a needy newcomer despite the existence of a valid undertaking of support made by a relative.

Provision is made in the Immigration Act, however, for a province to recover the costs of social assistance from a Canadian sponsor who is in default of an undertaking of assistance.

FUTURE AND OTHER RELATED INITIATIVES

HEALTH AND WELFARE

The national consultation of transition houses and the overview of services (see Recommendation #5) will inform future proposals concerning rural women and women from isolated areas.

Seminars on wife-battering will be held for personnel of Medical Services Branch of NHW, particularly for Nursing Stations; cooperation of DIAND will be sought.

INDIAN AND NORTHERN AFFAIRS

The Department will discuss with the Department of National Health and Welfare the division of responsibility for services for battered women. In the event that National Health and Welfare plans to provide workshops on battered women for personnel in nursing stations and health centres serving reserves, the Department is prepared to discuss how it might facilitate such workshops.

The merits of identifying existing or new services used by battered women as separate services, for accounting and planning purposes, may be studied. A survey of regional social services managers will ask them to estimate the usage of their services by women seeking those services as a result of a battering situation.

The Department will consider transitional housing in any examination of special housing needs.

Consideration may be given to offering financial assistance to reserve residents who provide temporary shelter "safe homes".

FUTURE AND OTHER RELATED INITIATIVES

CANADA MORTGAGE AND HOUSING

Canada Mortgage and Housing will review alternative means of providing shelter assistance to battered wives with a focus being given to specific problems in rural and remote areas and appropriate forms of second stage housing.

EMPLOYMENT AND IMMIGRATION

In cooperation with Status of Women Canada, the CEIC will undertake research to determine the numbers of "immigrants-in-waiting" who face the possibility of being required to leave Canada as a result of a rift in the relationship with the sponsor, for reasons of physical abuse.

Guidelines are being issued to assist immigration officers in reviewing cases involving breakdowns of the sponsorship undertaking prior to the granting of permanent residence status to the sponsored spouse. In cases involving physical brutality, officers are urged to be especially understanding.

The CEIC will welcome further discussions with the provinces on the provisions in the Immigration Act which enable provinces to seek to recover certain social assistance payments, including those made to a wife as a result of a rift in the marital relationship arising from physical abuse.

In essence, a province or municipality is not prevented in any way from providing assistance because of the existence of a valid sponsorship undertaking, and the CEIC does not require women to seek a breakdown of their sponsorship arrangements so that they can qualify for social assistance.

TREATMENT FOR WIFE BATTERERS

RECOMMENDATION #10

Research and funding programs within the Department of National Health and Welfare and Justice should devote adequate funds to the development of treatment programs for wife batters.

RESPONSE

HEALTH AND WELFARE

An overview of treatment programs for offenders is in progress and will be made available for decision-making at the provincial and local levels.

National Health and Welfare currently contributes to the needs of battered women, including treatment for batterers, by direct support of research and demonstration projects: National Welfare Grants; National Health Research Development Program; Health Promotion Directorate.

SOLICITOR GENERAL

The Ministry has been supportive of two of the major experimentations in the area (Vancouver, British Columbia, and London, Ontario). We are hopeful that the research and evaluation of these programs will offer sufficient information to support the position of an integrated approach to wife assault. Although we support increase charging policies we also feel that the court should have available alternatives at its disposition.

FUTURE AND OTHER RELATED INITIATIVES

HEALTH AND WELFARE

A broad-based evaluation of treatment programs for offenders will be done, using at least four different programs; funding of evaluation to be co-sponsored with other federal agencies.

A national consultation of programs for treatment for offenders will be held to discuss program models, effects of treatment, coordination of services to victims. The cooperation of the Departments of Justice and Solicitor General will be sought.

JUSTICE

The recommendation for the provision of funds for research and demonstration projects for the development of counselling services for abusing spouses will be considered and discussed with other federal departments active in this area.

The Department of Justice will participate with the Department of National Health and Welfare in the evaluation of treatment programs for men who batter.

LONG-TERM RESEARCH

RECOMMENDATION #11

Programs within the Department of National Health and Welfare should encourage and help fund research:

(a) into the causes of wife battering;
(b) into the development of educational programs designed to change our attitudes about violence as appropriate male behaviour and acquiescence to violence as appropriate female behaviour.

RESPONSE

HEALTH AND WELFARE

The National Clearinghouse on Family Violence (NCFV) was established in 1982 in response to a recommendation made in the National Plan of Action on the Status of Women. The purpose of the NCFV is to gather, organize and disseminate existing information, develop new information, and provide consultation and professional expertise about research, training, new and existing programs and other aspects of service in the areas of wife-assault. child abuse and neglect, and abuse of the elderly. The NCFV provides these information and consultation services to agencies, groups, governments and concerned individuals involved in the development and delivery of support services to victimized family members, and to the media.

The Department of National Health and Welfare provides funding for research and demonstration projects related to wife-assault through several programs: National Welfare Grants (NWG); National Health Research Development Program (NHRDP); Health Promotion Contributions Program (HPCP); Summer Youth Employment Program (SYEP); and National Native Alcohol and Drug Abuse Program (NNADAP).

RESPONSE

SECRETARY OF STATE

It has been a priority of Women's Program for the past several years to support projects which focus on attitudinal and structural changes related to violence against women. In reviewing 200 projects funded in 1983-84, it was found 57, or 28%, had violence as a main focus. There have been a wide variety of projects such as public education projects sponsored by transition houses and rape crises centres, issues of magazines dealing with violence, production of information kits establishment of networking systems, media projects and general public awareness programs on wife battering and causes of violence.

On many other occasions, Violence/Pornography was part of an agenda of workshops being presented at a conference or within a groups yearly program. While not necessarily the sole focus, the support of these projects continued to help increase public awareness of the problems related to the issue of violence.

Changing the conditions in our society which permit the continuation of violence as a threat to women is a long term purpose.

SOLICITOR GENERAL

Although the Ministry, given its mandate, has focussed on concerns related to police policies and practices, many of the research and the demonstration projects supported by the Ministry of the Solicitor General, are providing and will continue to provide important information on causes of wife battering and attitudes about sex roles that contribute to the problems.

A reinforcement of the Ministry's interest in the area was made, as well as the intention of coordinating the research efforts with Health and Welfare Canada to ensure no duplication.

RESPONSE

INDIAN AND NORTHERN AFFAIRS

DIAND provides for the education of status Indian children living on reserve or on Crown land, though on reserve Band or federally-operated schools, or through master tuition agreements with provinces for seats in off-reserve schools.

HEALTH AND WELFARE

National Health and Welfare funding programs will fund research projects on the intergenerational transmission of family violence, and on the conjunction of various forms of family violence within the same families.

National Clearinghouse on Family Violence will develop the capability to operate a comprehensive information system containing readily-accessible data on Canadian research and programs in the area of wife-battering. Cooperation of governments, groups and agencies in the sharing of information will be sought.

Information kits for specific professionals will be developed and distributed; model protocols for identification and treatment of battered women for specific professional groups will be gathered and distributed.

Model curricula on family violence for incorporation into programs in professional schools of medicine, nursing, social work and public health will be developed.

Training on wife-assault will be done for Occupational Health Nurses.

SECRETARY OF STATE

For 1984-85 violence against women will continue to be a funding priority at Women's Program.

FUTURE AND OTHER RELATED INITIATIVES

SOLICITOR GENERAL

The Ministry has identified the area of wife assault as an integral part of its crime prevention and victim assistance initiatives, which have both recently been approved by Cabinet as high priority activities. Part of these initiatives will involve increased support of innovative research and demonstration projects that promote improvements in legal responses to battered women, police training, workshops and public and professional awareness programmes. Further directions for the Ministry may be identified through involvement with the Federal-Provincial Working Group on Victims, which is being established to guide implementation of recommendations from the Federal-Provincial Task Force on Justice for Victims of Crime, and to develop a national policy for comprehensive victim services. The particular needs of battered women will be addressed in that process.

INDIAN AND NORTHERN AFFAIRS

DIAND will study the use of Band or DIAND social worker counselling services by battered women with a view to possible modifications of paraprofessional training.

Consideration may be given to how courses on human relations dealing particularly with the situation of battered women might be introduced into the curricula, beginning with federally operated schools. The implications of this for teacher training would also be examined.

The feasibility of a campaign to sensitize Band Councils and Band members in general to the needs of battered women could be studied in conjunction with the Native Women's Association of Canada, and the Assembly of First Nations or their designates, as they would be asked to co-sponsor such a campaign. Multi-departmental financial support would likely be sought. Such a campaign could place emphasis on the criminal nature of wife assault.

This Report will form the basis for consultations with Native Women's Association and the Assembly of First Nations. Priority areas of study will be discussed. Other areas may be added.

Discussion will be entered into on the following premises:

1. that native women should determine the priority areas for study;

2. that any work which is done in this area should not be at cross-purposes with the trend towards greater Indian autonomy; and

3. that it is appropriate to focus on this issue at this time in order to give it a high profile as Indian governments move towards greater powers and responsibilities.

Efforts will be made to coordinate the Department's action with that undertaken by other Departments and provincial governments as well as non-governmental organizations.

PUBLICIZING THE PROBLEM OF WIFE BATTERING

RECOMMENDATION #12

The Federal Government should develop programs for television and radio designed to inform the public about the nature and extent of the problem of wife battering.

RESPONSE

HEALTH AND WELFARE

The NCFV coordinates program activities related to wife-assault and victims of crime within the Department of Health and Welfare, produces public education materials (films, radio spots) on family violence, contributes original articles to professional journals, provides speakers to workshops, conferences and media events, and sponsors conferences on family violence.

The NCFV sponsors the Family Violence Film Collection, a set of 23 films on wife assault and child abuse which is available in 30 regional National Film Board offices for use, free of charge, by professional groups and members of the public in programs of public and professional education. The films in this collection are seen by over 100,000 people each year.

FUTURE AND OTHER RELATED INITIATIVES

HEALTH AND WELFARE

A series of three short television spots on wife-battering to be made by Federal Women's Film Program will be commissioned by federal Departments for use as local public service announcements; spots to include space for a trailer stating local information/sources of help.

FUTURE AND OTHER RELATED INITIATIVES

Federal Departments will co-sponsor a film on services for battered women, made by the National Film Board Federal Women's Film Program; prints of this film to be made part of the NCFV Family Violence Film Collection.

JUSTICE

The Department of Justice will consider contributing to the production of a film on services for battered women in cooperation with the National Film Board and other interested federal departments. The Department provides funding for the provision of public legal information. For example, we are currently updating a publication entitled "Services to Victims and Witnesses in Canada", which will contain detailed information on the services available to victims of crime including a list of all shelters and transition houses in Canada with relevant information about each transition house. We are committed to providing legal information to the public and would consider the use of radio and television if it is shown to be an effective means of increasing public awareness.

RECOMMENDATION #13

The Federal Government should use inserts in family allowance cheques to give women general information about their legal rights in a wife battering situation, the resources available to them in their province, and where to turn for further information.

RESPONSE

HEALTH AND WELFARE

As part of its public education mandate, the NCFV prepared the insert on wife-battering, which was included in nearly four million October 1982 Family Allowance cheques. Requests for information from recipients of the cheque insert were also handled by the NCFV.

The level of activity in the field of family violence has been reflected in the large number of requests for information and consultation received by the NCFV over its first two years of operation--at present, averaging over 1000 per month. Current activities include the publication and distribution of a quarterly, bilingual newsletter, Vis-a-vis, to a growing mailing list of over 10,000 groups, agencies and individuals. The newsletter has grown from eight to sixteen pages in its first year, and includes articles on current program and research activities, reviews, bibliographies and resource lists, a calendar of events and other features.

The NCFV also distributes a range of materials including information kits on wife-assault and treatment for male offenders, a wide variety of manuals, repofts and training materials, and reports of research projects undertaken by the NCFV.

RESPONSE

JUSTICE

In order to respond to the Family Allowance, the Department of Justice assisted the Department of National Health and Welfare in the preparation of a pamphlet entitled "How Can the Law Help Battered Women", which will be mailed upon request to women seeking this information. The pamphlet provides practical advice as well as information on the legal options available to victims of spouse abuse including the mechanics of a criminal prosecution and the way to launch a private prosecution.

SOLICITOR GENERAL

The Ministry is actively involved in various communication activities. We have focused our attention on several target groups, such as provincial and municipal government officials and professionals working in the criminal justice, social welfare and health care fields. We believe that for the time being, there is a greater need to sensitize various actors of the criminal justice system such as police, Crown Attorneys and judges to the issues facing victims and witnesses. We hope also to reach trainers and educators in the justice and social welfare fields to increase their knowledge of the problems facing victims of crime. Finally, we are developing resource materials that could be used for general education and training purposes. Although these efforts will focus on the overall issue of victims of crime, it is assured that the Ministry will ensure the victims of family violence have a high profile in these various initiatives.

In the past conferences, workshops and seminars that promote the transfer of knowledge and facilities sensitization to the issues of family violence were supported, these activities will of course continue.

RESPONSE

We should point out, however, that although we do favour strong efforts to sensitize and involve citizens and professionals on this issue, we also recognize that the provinces must be consulted and involved whenever possible. We should be cognizant of the potential pressures that can be put on provincial jurisdictions in regard to the servicing of the needs of battered women and abused children. We do believe that, in this particular instance, a cohesive federal/provincial approach would be more effective in the long run since in fact it is mainly the provincial governments and through them, municipalities, that have responsibility for the administration of criminal justice, social welfare and health care services.

FUTURE AND OTHER RELATED INITIATIVES

HEALTH AND WELFARE

Province-specific lists of sources for battered women will be made available to professionals and the general public.

INDIAN AND NORTHERN AFFAIRS

Consideration may be given to publicizing through an information campaign those services now available. The feasibility of a "hot line" service may be considered.

JUSTICE

Battered women will be targeted as a priority group in the development of public legal education materials and the funding of projects to develop such material.

RECOMMENDATION #14

To help develop a mass media which is more aware of its responsibility in relation to the depiction of violence, the CRTC should be given the discretion to suggest guidelines to its licencees on this matter.

RESPONSE

- CRTC

The Task Force on Sex-Role Stereotyping in the Broadcast Media submitted a Report to the Canadian Radio-Television and Telecommunications Commission entitled "Images of Women". It made a series of recommendations to the Federal government and specifically to CRTC, CBC, the private broadcasting industry, the advertising industry and other participants of the Canadian broadcasting system.

The CRTC has undertaken to respond to the recommendations directed to them. Among the recommendations are two of particular significance to the problem of wife battering. The Task Force recommended that the CRTC:

- require all licensees to submit periodic reports to the Commission on their progress and initiatives in dealing with the problem of sex-role stereotyping;

- take initiatives to eliminate abusive comments on, or abusive pictorial representation of, either sex in broadcast content (AM, FM, TV). The Commission should also discourage the portrayal of gratuitous violence against women.

JURISDICTION OF FEDERALLY-APPOINTED JUDGES OVER FAMILY MATTERS

RECOMMENDATION #15

A recent decision of the Supreme Court of Canada has called into question the right of provincially-appointed family court judges to issue civil orders designed to exclude a spouse from the family home or to prevent him from harming his partner. To prevent any delay caused by processing all such orders through county or superior courts we recommend that the Federal Government move quickly to appoint judges where the need is apparent. (This recommendation carries no implication as to an ultimate division of powers in the family law area. We recognize that a long term solution to the problem of creating a unified family court is a federal-provincial matter, and we have worded recommendation 17, which deals with such a court, accordingly).

RESPONSE

JUSTICE

The Provincial Attorneys General who are responsible for the administration of justice in the provinces have not reported delays in the superior courts caused by applications for exclusive possession of the matrimonial home or anti-harassment orders. The Minister of Justice will consider the recommendation when there is a demonstrated need for the appointment of Superior Court Judges.

INDIAN AND NORTHERN AFFAIRS

There are no provisions in the Indian Act concerning matrimonial property. The applicability of provincial family property law on lands reserved for Indians, for which a land regime has been legislated, is doubtful.

RESPONSE

In battering situations, the ability of the victim to remain in the home may be largely determined by the attitudes of the Band Council and the Band in general.

The Department's view, supported by Justice, is that provincial family property law does not apply on-reserve and that, therefore, the provincial court system has no power to deal with land or the right to possession of land on a reserve.

Where a Certificate of Possession of a land allotment on a reserve has been issued in the husband's name alone, the woman may have no right to remain in the home. Conversely, where both names appear on the Certificate of Possession, there may be no legal means of forcing the battering husband's temporary or permanent removal, to enable the woman to remain safely in the home. The security of possession of individuals living on reserves where Certificates of Possession are not used may be in greater doubt.

INDIAN AND NORTHERN AFFAIRS

The Department will study the provisions of the present Indian Act and the interface of provincial family property law as they concern possession of and temporary removal from the matrimonial home. The results of such studies will be borne in mind in discussions of delegated legislative authority and consideration may be given to amendment of the Indian Act if required. Of course, any changes in existing legislation or to delegated legislative authority will be subject to consultation and negotiation with Indian band governments and Indian organizations.

RESPONSE

The Department will study the authority and jurisdiction of Justices of the Peace appointed under the Indian Act and by provincial governments with a view to considering whether more Justices of the Peace should be appointed under the Indian Act. The Department will liaise with consultants engaged by the Department of Justice and Ontario Secretariat of Justice to study the needs of battered Indian women as victims of crime and in general.

Federal-Provincial Conference

RECOMMENDATION #16

In the light of its conclusions with respect to the protection of the battered wife and the enforcement of criminal legislation in wife battering cases, (see paragraphs 32, 35-37) this Committee recommends that a federal-provincial conference be held on the subject of wife battering and family violence as it relates to the enforcement and the administration of the criminal law.

RESPONSE

JUSTICE

This recommendation was discussed at the Federal-Provincial Meeting of Deputy Ministers Responsible for Criminal Justice held on November 30, December 1 and 2, 1982. Since that time, the involvement of the Department of Justice in the area of family violence has become part of our broader concern for victims of crime.

RESPONSE

The Federal-Provincial Task Force on Justice for Victims of Crime, which includes active representation from the Ministry of the Solicitor General, was created at the Federal-Provincial Conference of Ministers Responsible for Criminal Justice in December 1981 to promote the cross-jurisdictional coordination in the victims assistance area. The Task Force was mandated to prepare a report for Ministers Responsible for Criminal Justice which would:

1. examine in depth the current needs of victims and their experiences with the criminal justice system;
2. explore such issues as long-term funding implications, appropriate legislative options, coordinating mechanisms, imaginative funding alternatives such as fine surtax options, community involvement and other topics which may be considered important to the development of effective services to victims and make appropriate recommendations to Ministers;
3. recommend to Ministers how best to communicate and sensitize the public and criminal justice agencies as to the needs and concerns of victims;
4. recommend ways by which the two levels of government can ensure the efficient sharing of information and expertise in this area.

The Task Force studied the problems faced by battered women at length and directed 11 (15)? recommendations to law enforcement and social services personnel to alleviate these problems.

RESPONSE

A preliminary analysis of the Task Force recommendations has been completed by the Department of Justice and the Interdepartmental Committee on Victims of Crime has been re-activated to coordinate the federal government's response. In addition, federal-provincial consultations will be required as many of the Task Force recommendations concern matters of joint federal and provincial interest.

There has been funding for:

1. research and provision of information and public legal education;
2. compilation of information and assessment of victim needs;
3. establishment of demonstration projects to provide legal assistance to battered women;
4. research on the legal needs of battered women.

The federal Department of Justice has cost-shared the provincially administered criminal injuries compensation programs since 1973. Women who are assaulted by their husbands may be eligible for compensation from the provincial/territorial Criminal Injuries Compensation Program.

The federal Department of Justice cost-shares the provision of legal aid in criminal cases with the provinces and territories. The provision of legal aid in civil cases is provided by the province/territory.

In addition to being actively involved on the Interdepartmental Committee on Domestic Violence, the Interdepartmental Committee on Victims and the Federal-Provincial Task Force on Victims of Crime, the Department has participated in discussions, conferences, seminars and workshops on domestic violence in many parts of Canada. This participation provided national confirmation of the extent of domestic abuse.

FUTURE AND OTHER RELATED INITIATIVES

JUSTICE

At the meeting of Federal-Provincial Deputy Ministers Responsible for Criminal Justice, held in February, it was agreed that a Federal-Provincial Working Group on Victims would be established to share information, monitor the progress of all jurisdictions in implementing appropriate recommendations and to examine certain issues, including methods for funding victim services, in greater detail. This Working Group will provide an excellent forum for federal-provincial consultation regarding recommendations made and initiatives taken to assist battered women.

In formulating tentative plans to conduct research linked to the Federal response to the Federal Provincial Task Force on Justice for Victims of Crime, five potential projects were identified and preliminary work is already underway.

Three of these research projects focus on evaluation of the implementation of policy guidelines respecting police charging practices and subsequent prosecutorial activities. Work in this area will involve a research project in British Columbia and one in each of the Territories. In addition to addressing questions about guideline implementation, these projects will also examine a number of other research questions specific to each of the jurisdictions; for example, the work in British Columbia will deal with examining differences between the ways in which wife assault cases are handled in family versus criminal courts. Through a separate project, the Department would participate in a collaborative effort with the Ministry of the Solicitor General and National Health and Welfare to evaluate treatment programs for men who batter (see also Recommendation #10 & 17F). Research sites for this work have not yet been selected.

FUTURE AND OTHER RELATED INITIATIVES

The fifth project would involve a financial contribution from the Department of Justice and the Ministry of the Solicitor General to assist the Saskatchewan Department of the Attorney General to conduct a comprehensive study on wife abuse. Data from this research would provide policy makers with a detailed examination and assessment of current practices for processing wife assault cases through the criminal justice system.

Research will be conducted into current practices regarding the criminal justice system's handling of wife assault cases.

The role and responsibility of federal and provincial governments in providing assistance and services for battered women will be reviewed. This issue could be referred to the Federal-Provincial Working Group on Victims of Crime who will be examining the responsibility for the delivery of services to victims in general.

Alternative methods for funding services for battered women will be referred to the Federal-Provincial Working Group on Victims of Crime who will be examining issues surrounding the funding of victim services.

The development of coordinated services to assist battered women will be encouraged together with the provision of information on existing services.

The merits of advocacy clinics for battered women will be discussed with provincial Attorneys General to determine whether such clinics usurp the role of the Crown Attorney. This issue could be discussed by the Federal-Provincial Working Group on Victims of Crime.

FUTURE AND OTHER RELATED INITIATIVES

The Criminal Injuries Compensation Programs will be reviewed to determine whether victims of wife assault are eligible for awards and to determine current practice. This review could be accomplished in consultation with provincial officials participating in the Federal-Provincial Working Group on Victims.

The victims' initiatives undertaken by the Department of Justice will identify battered women as a priority for programs, legal education and research.

The Federal Working Group on Wife Battering will continue to meet regularly to share information on federal initiatives. The Department of Justice, as chairman of the Federal Interdepartmental Committee on Victims of Crime should ensure that relevant information is exchanged between the two committees.

RECOMMENDATION #17

In the light of the decision of the Supreme Court of Canada referred to in recommendation 15, we recommend that the proposed conference also address the problem of establishing a validly constituted civil court which is able to issue orders affecting the possession of the family home, and preventing a man from harming his wife at least as quickly and with as little cost to the wife as provincial courts do now.

RESPONSE

JUSTICE

(Refer also to response to Recommendation 15).

It should be noted that the Department of Justice has cost shared with interested provinces, the operation of Unified Family Court pilot projects which accomplish the recommended result. Ontario, New Brunswick, Newfoundland and Saskatchewan have participated. Ontario's Unified Court project in Hamilton, at the County Court level, has been completed and evaluated and will continue to operate on a permanent basis. The project in Saskatoon, Saskatchewan, initially operated at the District Court level continues to operate on a permanent basis at the Queens Bench level as a result of the merger of the Queen's Bench and District Court in July 1982. The Unified Court in New Brunswick will also continue to operate at the Supreme Court level. The project in St. John's, Newfoundland, also at the Supreme Court level, ended November 19, 1982 and is now being evaluated.

RESPONSE

These Unified Family Courts are presided over by Superior Court Judges capable of awarding all forms of relief. The recommendation to establish a new civil court would also be appropriately discussed at a forum dealing with constitutional issues rather than at a Federal-Provincial Conference on Wife Battering.

FUTURE AND OTHER RELATED INITIATIVES

SOLICITOR GENERAL

A criminal court judge presently has the jurisdiction to restrain the husband from the home and from contact with his victim, with a non-molestation order as a condition of bail or as a disposition measure in sentencing. Therefore, a better means of effectively applying such orders might be a better solution than legislative changes. It is hoped that the Task Force might recommend changes which will lead to the alleviation of some of the problems victims have to face in this area.

AGENDA ITEM 'A'

A proposal that all current criminal orders which prevent a man from seeing or harassing his wife be registered on a province-wide and country-wide computer system. Such orders would include recognizances to keep the peace, bail conditions, and probation orders.

RESPONSE

JUSTICE

The Department of Justice participates in a Federal-Provincial Committee on the Enforcement of Maintenance and Custody Orders which has been looking at the computerization of civil orders as a means of improving the enforcement of these orders across provincial boundaries and within each province. However, the Standing Committee's recommendation relates to criminal orders and conditions. In light of the position taken by the Standing Committee and many women's groups that wife battering not be dealt with in the family court process, the inclusion of anti-harassment orders in the Committee's study on enforcement may not be appropriate.

In addition the need for such a system which would require extensive renovations to the criminal records system should be fully explored and alternatives considered. Since orders which prevent a man from seeing or harassing his wife need only be enforced in the jurisdiction where the wife resides a country-wide enforcement mechanism may not be required as long as the order was enforceable in the jurisdiction where the wife currently resides.

AGENDA ITEM 'B'

A proposal that a breach of these orders that results in violence or is accompanied by a threat of violence be followed by arrest, or some other measure which protects the victim.

RESPONSE

JUSTICE

This proposal related to police practice which is the responsibility of the provincial Attorneys General. It should be noted however, that the Criminal Code provides in s.746 that breach of a recognizance is summary conviction offence and s.666 provides that failure to comply with a probation order is a summary conviction offence.

AGENDA ITEM 'C'

A proposal that the police regularly lay charges in wife assault cases.

RESPONSE

JUSTICE

This proposal relates to police practice which is the responsibility of provincial Attorneys General. However, the amendments to the Criminal Code made by Bill C-127 which became law on January 4, 1983, should be noted. There are now 3 levels of assault offences. The first level of assault is a hybrid offence (s.245), punishable by summary conviction or by indictment with a maximum penalty of 5 years imprisonment. By making assault a hybrid offence, the police are being encouraged to arrest in cases where they have reasonable and probable grounds to believe an offence has been committed or believe that the offence will likely be repeated or where it is in the best interest of the public to arrest.

RESPONSE

JUSTICE/SOLICITOR GENERAL

The Minister of Justice and Solicitor General of Canada issued guidelines for police and prosecutors in the Northwest and Yukon Territories in cases of spousal assault on December 21, 1983.

The primary objective of the new federal guidelines on spousal assault is to ensure that in the territories, spousal assaults are treated the same as any other assault. This measure will give women the full protection of the law.

The directives require that complaints of spousal assault be investigated immediately and thoroughly by a police officer. If there are reasonable and probable grounds to believe an assault has occurred, the investigating officer should lay criminal charges. Similarly, when charges have been laid, the crown attorney will proceed with the case in all but the most exceptional circumstances. One important effect of these provisions is that they remove the responsibility and blame for pressing charges from women, who often fear retaliation.

The effect the directive will have in the Territories is being closely monitored by officials of the Department of Justice.

SOLICITOR GENERAL

A letter dated July 15, 1982 was sent to the Executive of the Canadian Association of Chiefs of Police requesting their support and cooperation in dealing with the serious problem of violence in the family. He sought their support for the recent House of Commons motion regarding the encouragement of all Canadian Police Forces to establish a practice of having the police regularly lay charges in instances of wife beating, as they are inclined to do with any other case of assault.

RESPONSE

With regard to the RCMP, because they act not only as a federal police force but also as provincial and municipal police under contractual agreement in eight provinces. They therefore must consult with provincial officials when developing charging handling policies for wife battering. The Commissioner has agreed to commence discussions with Provincial Attorneys General in order to develop a national charging policy for RCMP with regard to victims of family violence.

FUTURE AND OTHER RELATED INITIATIVES

JUSTICE

The Criminal Code amendments contained in Bill C-127 regarding assault and sexual assault will be evaluated to determine whether there has been an effect on the handling of wife assault cases.

AGENDA ITEM 'D'

A proposal that the victim be made a compellable witness against her husband at the option of the Crown in the prosecution of wife assault cases.

RESPONSE

JUSTICE

The Canada Evidence Act has always preserved the common law exception which provides that in cases involving the victim's life, health or liberty, she is compentent and compellable to testify against her spouse. Therefore a wife who

RESPONSE

is assaulted by her husband is and has always been a compellable witness. A spouse may be compelled to give evidence by means of a subpeona and if she fails to attend she could be held in contempt of court. If she attends but is reluctant or unwilling to answer questions she could be declared a hostile witness.

The New Canada Evidence Act which was tabled in the Senate November 18, 1982, changes the provisions regarding the competence and compellability of spouses in criminal proceedings considerably and also reflects the changes made by Bill C-127. The Act will provide that a spouse is competent in all cases and will be compellable for the prosecution in cases where society's interest in obtaining the whole truth is greater than the interest in protecting family relations.

FUTURE AND OTHER RELATED INITIATIVES

JUSTICE

See also future activities of the Department with regard to research into and evaluation of the current criminal justice system practice in wife assault cases under Recommendation #16 and #17-C.

AGENDA ITEM 'E'

A proposal with respect to the development of uniform and punitive sentences in wife battering cases. (This Committee respectfully suggests that the impaired driving provisions of the Criminal Code be used as a guide. These provisions distinguish between first, second and subsequent offences, make allowances for the case where a subsequent conviction occurs long after the original conviction, and allow the judge to refer the accused for treatment if referral is not contrary to the public interest).

RESPONSE

JUSTICE

The establishment of uniform and punitive sentences in wife battering cases would remove judicial discretion in relation to the sentencing of assaults involving only a certain category of persons, i.e.: spouses, and may be contrary to the Charter of Rights on the basis of unequal protection and benefit of the law unless such sentences applied equally to all persons who were charged with assault.

In addition, The Criminal Law in Canadian Society which sets out the scope and purpose of our criminal law, has established that in awarding sentences preference should be given to the least restrictive alternative adequate and appropriate in the circumstances. It has also established that persons found guilty of similar offences should be given similar sentences where relevant circumstances are similar.

FUTURE AND OTHER RELATED INITIATIVES

JUSTICE

The notion of mandatory minimum sentences for offences in general is being examined as part of a Study on Sentencing being conducted by the Department of Justice.

SOLICITOR GENERAL

Refer to the response to Recommendation #10.

AGENDA ITEM 'F'

A proposal with respect to the development of treatment facilities for battering men as a sentencing alternative.

RESPONSE

JUSTICE

The treatment of offenders is the responsibility of the Ministry of the Solicitor General and provincial authorities. However, before mandatory treatment can be considered as a sentencing alternative research is required into the causes of wife battering and the appropriate method of treatment.

Alternative sentences are being examined by the Department of Justice in the Study on Sentencing. The Criminal Law in Canadian Society has established that, wherever possible and appropriate, the criminal law and the criminal justice system should promote and provide for opportunities aimed at the personal reformation of the offender and his reintegration into the community.

FUTURE AND OTHER RELATED INITIATIVES

SOLICITOR GENERAL

Refer to the response to Recommendation #10.

AGENDA ITEM 'G'

A proposal with respect to the training of police at the provincial and local government level:

(i) the proposed program should be motivated by considerations similar to those set out in recommendations 1-4 of this Report;

(ii) the program should ensure that municipal police officers receive the same training as their provincial colleagues. (We respectfully suggest that at present this might be accomplished by grants to needy municipalities. However, we think it preferable that police officers at both levels of government receive the same training before they take up their positions).

RESPONSE

JUSTICE/SOLICITOR GENERAL

The training of police is the responsibility of the provincial Attorney's General.

Refer also to Recommendations #1-4 regarding RCMP training and to #17-C regarding initiatives towards provincial and municipal police.

2. NEWFOUNDLAND REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERING.

PROVINCIAL

PROVINCE OF NEWFOUNDLAND AND LABRADOR

INTRODUCTION

The following represents the identification of existing programs and legislation to deal with wife battering in our Province, the gaps and problems evident in what exists, and our recommendations for what policies and programs should be in place to deal with the very serious problem of wife battering.

DEPARTMENT OF JUSTICE

EXISTING PROGRAMS, POLICIES AND LEGISLATION

LEGISLATION: The Criminal Code provides that it is an offence to assault another person. Recent amendments to the Criminal Code have abolished the old summary conviction offence of common assault and developed an offence of assault which is punishable either under summary conviction or by indictment and which carries a maximum of five years imprisonment. This new section of the Code allows what would have been treated as a common assault under the old law to be proceeded with by way of indictment and provides for a much more substantial penalty than was previously stipulated under Section 245(2) of the Code (6 months).

Additionally, the Criminal Code amendments have increased the offence of assault causing bodily harm to a maximum period of imprisonment of ten years. Under the old law the maximum penalty was five years imprisonment.

The only other recourse which is available under the Criminal Code is an application for a peace bond under the provisions of Section 745. This would allow the complainant to arrange for the signature of a recognizance to keep the peace and be of good behaviour for a maximum 12 month period. In the Crown Prosecutor's experience, these remedies have not been altogether effective in a domestic setting. There is a provision for prosecution if the person who signs the bond breaches the bond. There is also a mechanism for a recovery of the money which has been secured by the recognizance. Neither procedure is utilized extensively in this jurisdiction by the Crown.

PROVINCIAL LEGISLATION:

1. Section 33 of The Nuisances and Municipal Regulations Act R.S.N. 1970 c. 276 reads as follows:

> "33. Whenever, upon the complaint of a constable or other person, any person shall be convicted of disorderly conduct while drunk in any street, highway, or public building, or in any other place or house of public resort; or whenever, upon the complaint of an inmate or any private house, any person shall be convicted of disorderly conduct when drunk in such private house, any such person so convicted shall be liable to a fine not exceeding twenty-five dollars, and, in default of payment, to imprisonment according to the scale provide in the Second Schedule to The Summary Jurisdicition Act."

2. Section 6(1) of The Mental Health Act reads as follows:

> "6.-(1). Subject to subsection (2), any person, who in the opinion of a physician is suffering from mental disorder to such a degree that the person requires hospitalization in the

interests of his own safety, safety to others or safety to property, may without his consent be admitted to, detained within and treated at a treatment facility."

Section 13 of The Mental Health Act reads as follows:

"13. Without prejudice to any right conferred on him by law, where a police officer observes a person acting in a disorderly or dangerous manner, the police officer may, if he has reasonable cause for believing that the person is suffering from mental disorder to the degree specified in subsection (1) of Section 6, and it is impracticable in the circumstances to obtain a warrant from a magistrate under Section 12, apprehend the person, take him to a treatment facility or other safe and comfortable place and detain him until he is medically examined by two physicians."

It appears that in a case where there is an apparent mental disorder to a degree that a person requires hospitalization in the interest of himself or safety of others, the police may without a warrant apprehend a person and take him to a treatment facility in order to secure him for examination by two physicians. This may be a long-term remedy open to the police; but nonetheless, it may provide short-term assistance to a battered wife who is the victim of an assault which appears to be perpetrated by mental instability or disorder. At least, it gives the police the opportunity to remove the offender from the home and seek an examination.

PROBATION SERVICES:

The division of Adult Corrections of the Department of Justice provides probation officers to provide long term supervision of offenders. The maximum period of probation which a court may impose is a period of three years. If a lengthy period of probation is imposed, particularly if reporting conditions are required, Adult Corrections can provide long term assistance and guidance. They have no special program in place to deal with wife batterers, but they are now in the process of developing an offender classification system. In this system the emphasis will be placed upon risk, i.e., whether or not there is a likelihood of repetition of the offence, and need, i.e., whether or not the offender requires assistance and guidance. The Adult Corrections division has advised that all violence offenders will immediately be placed at the top of the priority list in that a substantial number of points will be automatically awarded by virtue of the nature of the crime.

In speaking to Mr. Dunphy, Chief Probation Officer for the Province, he advises that a study was done encompassing 25 percent of the Adult Corrections caseload from January of 1980 to December 1982. Some data which may be of interest which was retrieved from this study indicated that the 25 percent caseload involved a spread of 1200 cases. The analysis breaks down as follows:

1. Files where there is any indication of family violence, regardless of victims - 2%.

2. Of the 2% identified, the percentage where the offender had previous history of violence - 1%.

3. Of the 2% identified, spousal assaults - 27%.

4. Of the 2% identified, assaults on parents - 11%.

5. Of the 2% identified, assaults on other (children, aunts, uncles) - 12%.

6. Of the 2% identified, assaults where weapons involved - 27%.

This data would give one the impression that family violence is not a serious situation in Newfoundland. Indeed, 9.2 percent of all Adult Corrections intake files involve violence of some sort. Nonetheless, one should not be lulled into a false sense of security by these figures. Firstly, it should be noted that Adult Corrections only deals with those offenders who are placed on probation. They are not necessarily a true reflection of the type of offenders which go through the court system. Additionally, there is always the unknown question as to how much crime goes unreported.

Because of the fact that spousal violence figures are not as high as one might think, Adult Corrections has not been in a position to develop a special response to the problem. Regional probation offices outside of St. John's are often staffed by one person only, and it is impracticable to give spousal assault cases special treatment.

PROSECUTORIAL SERVICES:

The Crown Attorneys' offices are stragetically located throughout the Province. The larger offices are located in St. John's and Corner Brook. There are smaller offices in Gander, Clarenville, Harbour Grace, Goose Bay, Grand Falls and Stephenville. Indeed, because of a lack of prosecutors, it is often necessary to hire outside lawyers as regional agents on an ad hoc basis and to utilize the RCMP to prosecute summary conviction cases, many of which may involve spousal assaults.

In the larger office it has become a practice to channel those individuals who have a special interest in spousal assault cases and family violence files in that direction.

Prosecutors make every attempt to interview complainants as soon as the court brief arrives from the police and ensure that assistance and guidance is given during the process. This has been a high priority in the prosecutorial division of the Department of Justice for some period of time, even though staff shortages and increasing workloads have created more difficulties over the past year or so.

DEPARTMENT OF SOCIAL SERVICES

EXISTING PROGRAMS, POLICIES AND LEGISLATION

LEGISLATION:

The Social Assistance Act 1977 does not contain direct reference to the problem of wife battery, but does contain overall provision for assistance to any individual or family who requires financial assistance in time of need.

The Child Welfare Act, 1972, was revised in 1976 to include a redefinition of a "child in need of protection" to include a child who is living in a situation of "continuous domestic violence". In this way, the mandate of the Act was expanded to enable the Director of Child Welfare to offer services (counselling, supervision, homemaker, day care placement) in situations where there is severe family violence of any kind including wife battery.

POLICIES:

There is no specific reference to wife battery in policy within either the Child Welfare or the Social Assistance Program. In practice, battered women are provided with financial assistance and other services (e.g., counselling) are also provided as requested. These services include referral to Transition Homes or assistance with alternate accommodations with relatives or otherwise.

STANDARDS FOR TRANSITION HOMES:

Transition Homes must be licensed in accordance with municipal regulation and in accordance with the Welfare Institutions Licensing Authority. Health and safety standards are required and a Social Services Representative sits as a member of the Board of Directors for each facility.

RESPONSE OF SOCIAL SERVICES PROFESSIONALS:

Referrals are made directly to Transition Homes or a client may be referred through The Department of Social Services. Where Transition Homes admit directly and where financial assistance or other services are required through Social Services, contact is made by the Home. An interview(s) is held with the client to determine the nature and extent of services required, including financial. There is usually one social worker who maintains the liaison between the Transition Home and the District Office. Emergency Services are offered through on On-Call Service.

PROGRAMS

CHILD PROTECTION PROGRAM:

Given that the definition of child in need of protection includes the child living in a family where there is wife battery, this program offers such services as counselling, supervision, day care, homemaker service, referral to other agencies, placement service, etc. Cost for this program is included in the regional services salary/travel subhead of the Department of Social Services. Cost of placement services for the Department of Social Services was $1,500,000 in 1983-84. Of these cases, situations where there was wife battery present would form a fair percentage. (No actual statistics available). Such services may also be provided through the Social Assistance program.

FUNDING OF TRANSITION HOMES:

Federal contribution to these programs under the Canada Assistance Plan is 50 percent.

PROVINCIAL CONTRIBUTION:

The Transition House in St. John's receives a provincial contribution to funding of $208,000, the House in Corner Brook receives $106,000, Kirby House currently receives federal funding.

Financial assistance may also be paid on behalf of the battered wife who is staying with relatives or who requires a board and lodging placement.

COUNSELLING PROGRAMS:

For Batterers - While there is no formal program in place for batterers, counselling is available both through the Department of Social Services as well as other agencies (e.g., private agencies) when requested.

For Victims - Counselling services are provided by the Department of Social Services as requested. Emphasis is placed on assisting the women and her children to service safe and adequate immediate living arrangements, an environment where she can make reasonable short term decisions. Where victims are in a Transition Home many services are provided through the Home; however, particularly in other kinds of placements, the Department of Social Services provides direct service as well as referral to other community agencies such as police, medical, court, private counselling agencies and so on.

SECOND STAGE HOUSING:

The Federal Government has provided funding for second stage housing in St. John's whereby accommodations are provided to battered women and their children who, after leaving Transition House, require accommodations for a further period.

SOCIAL ASSISTANCE:

A comforts allowance may be paid to women who are residing at Transition Homes and who are eligible in accordance with the Social Assistance Income Test. Emergency (special) financial assistance may be provided through temporary accommodations and meals for those who cannot be accommodated by Transition Home, relatives or friends.

DEPARTMENT OF EDUCATION

EXISTING PROGRAMS, POLICIES AND LEGISLATION

LEGISLATION:

There is no legislation administered by the Department of Education which specifically addresses the issue of wife battering. The Schools Act does provide for initiatives to be undertaken.

POLICIES:

There are no policies with the Department of Education which address this issue.

PROGRAMS:

There are no programs which directly address this issue. However, there are some system activities which indirectly address some aspects of this issue. Standards for interpersonal behaviour are discussed in some parts of the health curriculum, particularly in relation to maturity and mental health. Guidance programs are available to assist children in understanding their own feelings and those of others. Acceptable norms of behaviour among adults are discussed as parts of "values" education. Family life and home economics programs reinforce family values while ensuring that all children have access to accurate information to assist them with problems facing them in their growing years. Instructional materials are used on different topics. Students are taught coping skills, anger control, communication skills and explore the structure and role of the family. This depends, of course, on the teacher's willingness, interest, or ability to initiate.

DEPARTMENT OF HEALTH

EXISTING PROGRAMS, POLICIES AND LEGISLATION

LEGISLATION:

The Department of Health has not initiated any legislation which directly addresses the issue of wife battering. Indirectly, the Mental Health Act provides for the detention and treatment of persons who are believed to be suffering from a mental disorder and may as such jeopardize the safety of others.

POLICIES:

The Department of Health has no official policy specific to wife battering. The general policy of providing the necessary health services for those in need ensures the provision of resources for the continuum of health care from prevention through to treatment and rehabilitation.

There is support at the policy level for other government department policies and programs on wife battering.

PROGRAMS:

There are no government programs, for the identification or treatment of wife battering victims or offenders, which are directly administered or funded by the Department of Health. The Family Planning Division of the Public Health Branch has been identified for contact on issues relating to family violence, however, no public health programs are in place.

Some hospitals in the Province have instituted programs through their Social Work Departments where the need has been identified and the resources exist.

HOSPITAL POLICY/PROCEDURE:

There is no specific hospital policy or procedure on the issue of wife battering as set by the Newfoundland Hospital Association. Individual hospitals may determine their own policies and programs in this area.

A sample survey of hospitals in the Province shows that no hospital surveyed has a written policy on wife battering. Emergency room procedure is determined by the physician and nursing staff on duty. However, if a patient is identified as a victim of wife battering, she is referred to the hospital's Social Worker or a Transition House, in the areas where these resources exist. Other hospitals may refer the patient to community resources such as the Public Health Nurse or Social Worker for counselling.

In some of the larger hospitals in the Province the Social Work Departments have adopted the recommendations on wife battering as set out by their national association. Where victims have been identified and referred by the Emergency Department or other referring source, these procedures are followed.

The Social Work Department of the Waterford Hospital (adult psychiatric referral hospital) has developed a written protocol for the management of interspousal violence for patients admitted to that facility. The Social Work Departments of other larger hospitals in the Province are currently developing a similar protocol for patients referred to them.

PROFESSIONAL RESPONSE:

There is no official policy or procedure on the issue of wife battering recommended to health professionals by their associations.

Procedures for the identification and treatment (including referral) of victims of wife battering are determined by the individual health professional involved.

RESEARCH:

The Department of Health is not presently involved in research (statistical or otherwise) in the area of wife battering or family violence.

PUBLIC EDUCATION:

There are currently no Department of Health sponsored public awareness or professional education programs addressing the issues of wife battering.

3. NOVA SCOTIA REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERING

NOVA SCOTIA

The following outlines the current status of provincial activities related wife battering and reflects the government's commitment to further action.

CRIMINAL JUSTICE SYSTEM

POLICE POLICY AND PRACTICE:

On May 4, 1983 the Attorney General of Nova Scotia issued the following directive to all police departments and prosecuting officers.

> "Police are to respond to and fully investigate all complaints of family disturbances and assaults":
>
> 1. where the evidence is only sufficient to support a charge of simple assault under Section 245(b) C.C. then the complainant is to be referred to the Family Court to lay a charge;
>
> 2. where the evidence is sufficient to support a charge under Section 245(a), 245.1, 245.2, 245.3, 246.1, 246.2 or 246.3 then the appropriate charge is to be laid by the police, in consultation with the prosecutor, regardless of the complainant's wishes. Such charges will be prosecuted by the Crown.

These directions are to be followed whether the man and woman are married to each other or simply living together as husband and wife. The Family Court Act is given exclusive original jurisdiction in matters under Section 245(b) of the Criminal Code where the man and woman are married to each other or are living together as husband and wife for a period of at least one year.

Section 246.1, sexual assaults - Section 246.8 of the Criminal Code now provides that spouses may charge one another with sexual assault. There undoubtedly will be complaints made where there are no visible signs of an assault and the only evidence will be that of one spouse as opposed to the other without any basis to determine which is correct. In such cases the Crown should not become involved in the laying of charge or in the prosecution, but rather should leave it to the parties to proceed by way of private prosecution.

In the context of this memorandum prosecutions under Section 245(a) should be considered where the circumstances are serious but do not amount to a charge under one of the other assault Sections, or where there has been a history of convictions under Section 245(b) and such convictions do not appear to have resolved the problem.

> NOTE TO PROSECUTORS - Section 3(1) of the Family Court Act provides that the Governor in Council may confer exclusive original jurisdiction on the Family Court in cases under Section 245 of the Criminal Code where the parties are husband and wife or parent and child. Order in Council 71-1119 conferred such jurisdiction on the Family Court in cases under Section 245(1) of the Criminal Code. Applying Section 23(2) of the Interpretation Act (Nova Scotia) results in the Order in Council being interpreted to apply to cases under Section 245(b) of the present Code provisions. Section 3(2) of the Family Court Act provides what constitutes husband and wife or parent and child. Proceedings under Section 250.2 can only be commenced with the consent of the Attorney General or Council instructed by him for that purpose. Initially all cases falling under Section 250.2 are to be referred to the Department so that Attorney General can determine whether he should grant his consent.

COMMENT:

Although legally able to lay charges against the batterer, in practice too few police officers do so. Moreover, there is some indication that women who have sought refuge in the Province's Transition Homes have actually been discouraged by the police from laying a charge.

POLICE INTERVENTION TRAINING

Police in Nova Scotia are trained at the Atlantic Police Academy which is a part of Holland College in Charlottetown, P.E.I. Only Halifax, Dartmouth and the R.C.M.P. select candidates and hire them before training. All other jurisdictions hire the graduates of the community college. Selection prior to training would permit the hiring police force to select candidates with the appropriate personality and attitudes, which are vitally important in cases of family violence.

A recent study on the training of police officers to deal with family violence reveals that "there is, at present, no real training program for municipal police officers. Family violence tends to be one area with which the policeman is wary to deal, as approximately 60¢ of the police deaths occur while they are attending to calls in family violence or crisis. This accents the need for training in crisis intervention both for new entrants into police forces and for those already in the force".

FAMILY COURTS VS CRIMINAL COURTS VS UNIFIED

A 1971 Order in Council gives Family Courts in Nova Scotia jurisdiction over family violence. There is evidence that almost all cases of wife battering are dealt with in these courts and that few, if any, convictions result. Many charges are withdrawn by the victim because of fear of court action and repeated attacks by the batterer.

MATRIMONIAL PROPERTY ACT

This Act has limited applicability for battered wives. In order to make application pursuant to this Act, the victim must have filed a petition for divorce or show that the spouses have been living separate and apart and "there is no reasonable prospect of the resumption of cohabitation". (s.12(1)

Once it can be established that the spouses have separated, the Court has numerous powers to deal with the property.

II. POWERS OF COURT RESPECTING MATRIMONIAL HOME

(1) Notwithstanding the ownership of a matrimonial home and its contents, the court may by order, on the application of a spouse:

- (a) direct that one spouse be given exclusive possession of a matrimonial home, or part thereof, for life or for such lesser period as the court directs and release any other property that is a matrimonial home from the application of this Act;

- (b) direct the spouse to whom exclusive possession is given under clause (a) to pay such periodic or other payments to the other spouse as is prescribed in the order;

- (c) direct that the contents of a matrimonial home that are matrimonial assets, or any part thereof, remain in the home for the use of the person given possession;

- (d) determine the obligation to repair and maintain the matrimonial home and to pay for other liabilities arising in respect of the matrimonial home;

(e) authorize the disposition or encumbrance of the interest of a spouse in a matrimonial home who has not been granted exclusive possession;

(f) where a false affidavit is made respecting a matrimonial home or where a matrimonial home or any interest therein is disposed of contrary to the provisions of this Act, direct;

   (i) the person who made the false affidavit,
   (ii) any person who knew at the time the affidavit was false and thereafter conveyed the property, or
   (iii) any person who improperly disposed of the matrimonial home or interest therein, to substitute other real property for the matrimonial home or to set aside money or security to stand in place of the matrimonial home, subject to such terms and conditions as the court considers appropriate.

OTHER REMEDY PRESERVED

(2) The authority of the court under clause (f) of subsection (1) is in addition to and not in substitution for any other remedy at law.

APPLICATION BY CHILD FOR POSSESSION OF MATRIMONIAL HOME

(3) Where a surviving spouse does not reside in the matrimonial home at the time of the death of the other spouse and a child resides in that matrimonial home at that time, the court may, on the application of the child, direct that the child be given possession of the matrimonial home:

(a) until he reaches the age of majority, or
(b) while the child is attending a post-secondary educational institution, until the age of twenty-four years, and the court may make such other orders under subsection (1) that it deems appropriate.

CONDITIONS FOR ORDER FOR POSSESSION

(4) The court may only make an order for possession of the matrimonial home under subsection (1) or (3) where, in the opinion of the court:

(a) other provision for shelter is not adequate in the circumstances;
(b) it is in the best interests of a child to make such an order.

VARIATION OF ORDER OF COURT

(5) Where the court is satisfied that there has been a material change in the circumstances, it may discharge, vary or suspend an order made under clause (a), (b), (c) or (d) of subsection (1) or subsection (3), upon the application of a party to the original application. 1980, c.9, s.11.

NOTE: Subsection (4)

The Act establishes that a Court Order must be enforced by a police officer and outlines the situation giving rise to same.

ENFORCEMENT OF ORDER OR AWARD FOR POSSESSION

(31) It is the duty of a peace officer to enforce a court order made, or an arbitration award filed with the court, pursuant to this Act as it relates to peaceable possession of residential premises where:

(a) his assistance is requested by a person named in the order; and

(b) the peace officer is satisfied as to the existence of the court order or court record of the arbitration award. 1980, c.9, s.31.

POLICE STATISTICS

Police records include cases of family violence with those of common assault. Failure to provide separate statistics makes it virtually impossible to determine the magnitude of the problem.

SENTENCING PATTERNS

No sentencing patterns have emerged in cases of wife battering. The available records indicate that the majority of such cases are withdrawn from family court before sentencing can occur.

ISSUING OF PEACE BONDS

The issuing of Peace Bonds is a frequent judicial practice in cases of wife battering rather than sentencing the offender to a prison term.

Violation of peace bonds in rural areas presents difficulty in enforcement mainly due to distances from police detachments.

RESEARCH ON JUSTICE SYSTEM RESPONSE

The only research which has been carried out is the informal monitoring of the court hearings by staff of a Transition House.

VICTIM ADVOCACY PROGRAMS

The staff of the Transition Houses act as informal advocates for the battered wives who seek shelter. There is no formal advocacy program.

LEGAL AID FOR VICTIMS

The seven legal aid offices in Nova Scotia report that battered wives constitute a large percentage of their cases, although no separate statistics are kept. Family violence is recorded as part of the more general categories of assault, separation and divorce. No special policy or procedures have been established to deal with battered wives.

Legal aid offices report that they frequently refer battered women to the Transition Houses.

HEALTH

Despite the fact that great strides have recently been taken in combatting child abuse, no specific policies or practices related to wife battering have been initiated by the Department of Health.

HOSPITALS

Battered women treated in emergency rooms in most cases receive the routine hospital attention. Only a few hospitals (notably Dartmouth General Hospital) have initiated specific emergency procedures for battered wives which include referral to a social worker and provision of accommodation in an emergency shelter or a transition house. The hospital also contacts the victim's family doctor and arranges for the laying of charges if the victim so desires. The extent to which these emergency procedures are put into motion depends on the victim's wish.

MENTAL HEALTH CLINICS

Mental health clinics operated by the province do provide counselling services to battered women, as a part of their routine operation. The Valley Health Service in Kentville has organized a group for battered women which utilizes community volunteers. No programs directed at the batterer were reported.

MEDICAL SCHOOLS

The issue of wife battering is not specifically addressed in the under-graduate medical school curriculum or in continuing education programming for medical professionals in Nova Scotia. It is however, dealt with in the post-graduate residency program in Family Medicine.

NURSING EDUCATION

The curriculum of the largest of the hospital schools of nursing specifically addresses family violence including wife battering. Curriculum content includes: incidence and forms of family violence, roles of the victim and offender, assessment of high risk families, and the nurse's role in treatment. Nursing students also receive presentations by transition house staff.

The Registered Nurses' Association of Nova Scotia passed a motion at its annual meeting in June 1983 calling for an investigation of the role of nurses in response to wife battering. The Association is currently developing resource materials for its members on wife battering and has organized a number of education seminars for its members on this issue.

SOCIAL SERVICES

FUNDING OF TRANSITION HOMES

Two transition houses located in Halifax and Sydney are currently in operation with a total capacity of 44 beds and three other areas of the province have received approval for transition houses. With the addition of houses in the Pictou-Antigonish-Guysborough, Yarmouth-Shelburne-Digby, and Kings West Hants Annapolis regions a provincial network is being formed. Because of the difficulty in obtaining financial support from municipal governments, transition houses are continuously faced with financial difficulties. To provide a sufficiently stable funding base for the operation of the transition houses, effective January 1, 1983, a new funding formula was initiated by which the Department of Social Services provides 75% of the approved operating budgets of the existing transition houses. The houses are required to raise the remaining 25% by billing the municipalities where residents have settlement, by charging residents who are able to pay, and through fund-raising activities. Resistance on the part of some municipalities to contribute to transition house funding remains a barrier to the establishment of a provincial network of transition houses. The Department's contribution to the two transition houses for the 1983 calendar year totalled $302,920., and is expected to more than double in 1984-85.

In addition the Department of Social Services provides emergency funding to the transition houses to cover the transportation and moving costs of residents, damage deposits on rental accommodation for residents, public utility deposits, school supplies, special diets and medical/dental costs not covered by the provincial medical insurance plan.

STANDARDS FOR TRANSITION HOMES

Transition houses are required to have in place an incorporated Board of Directors which is responsible for overseeing the management of the home's operations and programs. Standards concerning health, fire, etc., are the same as those which apply to other Homes for Special Care in the Province of Nova Scotia. The Department of Social Services is currently in the process of developing specific standards for transition houses.

SECOND STAGE HOUSING

The maximum duration of residency in the transition houses is 6 weeks. Some CMHC subsidized housing is available in the Halifax area, providing second-stage accommodation for up to one year. No second stage housing is available elsewhere in the province and transition house staff report that some women do return to their original situation due to lack of alternate housing.

SAFE-HOME NETWORKS

There is no province-wide network in place. Two safe houses have been established in the Colchester region of the Province which is not currently served by a transition house. These houses provide emergency accommodation to battered women and their children until other arrangements can be made. They were developed by the municipality but are cost shared with the Department of Social Services. The safe house program is administered by a Board of Directors consisting of local representatives of the Department of Social Services, the RCMP, Legal Aid, the County Council, the Children's Aid Society, and a professional women's organization. Interim funding for this program is being provided by the Children's Aid Society and the municipality. Additional funds for equipment and supplies for the safe houses have been provided by a local service club.

COUNSELLING PROGRAMS

No counselling programs for batterers have been established. Counselling for victims is provided through referral by transition house staff to existing community service agencies.

TELEPHONE HOTLINES/NETWORKS

Telephone "help lines" have been established in four regions of the province which provide a general crisis referral service including assistance to victims of battering.

SOCIAL ASSISTANCE

Short term financial assistance is provided under municipal Social Assistance Programs. Long term assistance is provided under the Department of Social Services Family benefits program.

EDUCATION

PUBLIC EDUCATION

The Nova Scotia Advisory Council on the Status of Women has recently published a handbook on wife battering, Wife Battering: A Criminal Offence which is being widely distributed throughout the province through the Advisory Council's network of contacts with community groups. Copies have also been sent to all radio and television stations and newspapers in the province, and the Advisory Council has followed up with specific requests to the various media to highlight the issue of wife battering in their programming.

SCHOOLS

The issue of wife battering is not specifically addressed in the family life curriculum currently in place in the provincial school system.

LEGAL

The issue of wife battering has not been specifically addressed by the Continuing Legal Education Society of Nova Scotia. Programming by this body is developed in response to the educational needs expressed by members of the profession, and since the issue has not been identified as a priority by recent surveys of legal professionals, no programs on this issue are planned. The Society's perception is that most wife battering cases are dealt with by legal aid lawyers who are well informed concerning this issue.

SOCIAL WORK

Wife battering is not included as a specific topic in the undergraduate or graduate curriculum of the Maritime School of Social Work. The issue is raised however within more general courses which deal with the practice of social work and counselling.

No continuing education programs on wife battering are now in place for social work professionals. A proposal for a system for the delivery of continuing education to all social work professionals and para-professionals in the province has been developed by the Nova Scotia Association of Social Workers and funding for its implementation is currently being sought. Education on the issue of wife battering is regarded as a priority need by social work professionals in the province and will be specifically addressed when this program is implemented.

RURAL WOMEN

The Nova Scotia Advisory Council on the Status of Women through its field work program has organized two workshops on wife battering in rural areas of the province during the past year. Additional workshops are planned in other rural areas.

4. NEW BRUNSWICK REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERING.

PROVINCE OF NEW BRUNSWICK

I. CRIMINAL JUSTICE SYSTEM

LEGISLATION

Although provincial legislation concerning wife battering does not exist, the issue is directly address in the Criminal Code of Canada, by which the New Brunswick Department of Justice, through its various policing agencies and the Public Prosecutions Branch, has had direct involvement with the problem.

POLICIES

There are two departmental policies of the Department of Justice which address the issue of wife battering. The first, the Prosecutions and Police Policy, provides that a peace bond is to be considered as a pre-emptive measure, but not a substitute for a criminal charge. It further provides that police lay a charge under the Criminal Code where the evidence warrants.

The policy on Police Training provides for a family crisis intervention course of a one-week duration to be delivered at the Atlantic Police Academy.

PROGRAMMES

There are no programs specifically tailored for wife batterers or the victims of wife battery other than overall programs associated with probation, police and prosecution service delivery. One such program is the Victim/Witness pilot projects adjunct to a policy department or prosecutions office. As the program is not directed solely at the problem of wife battering, the associated cost cannot be identified. Another project, the Restigouche Family Crisis Intervenors, has shown tremendous success in dealing with family problems generally. This project is jointly funded by the Departments of Social Services and Justice.

POLICE POLICY AND PRACTICE

It is recognized that the police officer's role in preventing domestic violence is very limited. Their ultimate sanction is to arrest the offending party, but this is only a short-term solution and requires follow-up by the laying of a charge. If a criminal offence has taken place, the police will prepare a report to be perused by the Crown Prosecutor in order to determine if sufficient evidence exists to proceed with a criminal charge. If such is the case, the police will proceed to lay the charge and the matter will be dealt with as is any other criminal offence.

POLICE INTERVENTION TRAINING

All municipal police and RCMP agencies have training programs for their officers regarding how to deal with domestic violence. Experience has shown that police officers responding to domestic complaints face the most dangerous situations that they are likely to encounter as peace officers. There is also a family crisis intervention course of one week's duration which is offered at the Atlantic Police Academy.

COURT ORDERS/PEACE BONDS

The Criminal Code of Canada defines "assault" in various forms from simple assault to murder and provides penalties varying from discharges to probation, fines to imprisonment. In addition, there is the provision for what is commonly called a "peace bond" or a form of probation to moderate the offensive behaviour of one of the spouses. Through the Prosecutions and Police Policy, a peace bond is considered as a pre-emptive measure, and is not a substitute for a criminal charge.

The ultimate and short term impact of a Judge's sentence in a probation order could be the forceable separation of the parties, to the extent that the offending party may be ordered to live separate and apart and have no contact with the other spouse and/or the children. These sanctions will not assist in the rebuilding of the family unit, which is presumably one of the ultimate goals of dealing with family violence.

CONDITIONS OF PROBATION

Batterers placed on probation may, as a term of their probation, be ordered to attend mental health clinics for counselling and may be ordered to abstain from the use of alcohol.

PROGRAMS FOR BATTERERS

Short of the occasional contact with a probation officer, there is no other formal program for wife batterers within the criminal justice system in New Brunswick. In dealing with young offenders, a commonly applied approach is that of diversion. It may be a valid consideration in dealing with wife batterers that a diversion program be established. This may increase the chances of rehabilitation and keep the family unit together.

LEGAL AID FOR VICTIMS

The Department of Justice is indirectly involved with both spouses in a family violence situation. Legal aid may be provided to the individual charged with having committed a criminal offence and civil legal aid may also be provided to the victim spouse who is seeking a divorce. The Director of Legal Aid receives an annual grant from the Department of Justice to be disbursed on matters involving legal aid. The grant for this fiscal year was $2,000,000. The recently effective civil legal aid program has initially indicated that there is not a great demand for legal aid certificates from spouses seeking divorces as a direct result of family violence. The statistics for criminal legal aid do not indicate whether an application for a legal aid certificate for the defence of one of the assault sections stems from a family violence assault. It should be further noted that in order to obtain civil or criminal legal aid, the applicant must pass a means test to obtain a certificate.

ROLE OF THE PROSECUTOR

The involvement of the Crown Prosecutor, subsequent to the perusal of the police report to determine whether or not there is sufficient evidence to proceed with a criminal charge, is to present to the Court all credible evidence available which is relevant to the alleged offence. Upon conviction, the Crown Prosecutor is required to speak as to sentence, as forcefully but as fairly as pousible.

POLICE STATISTICS - RESEARCH

The Justice Research and Planning Statistics do not flag wife battering within the general category of assault. Statistics can be produced showing the incidence of simple assault, aggravated assault, sexual assault, murder and the granting of peace bonds, but within the category of the given offence, such cannot be identified as containing elements of domestic violence or wife battering. These statistics, naturally, relate to the charges processed in the Court system only and do not identify the number of complaints received by police relating to wife battering or family violence. Statistics relating to the number of complaints would only be obtainable by checking with all individual police forces and by examining each complaint to identify whether or not it is a general assault complaint or whether it involves elements of wife battering or family violence.

SENTENCING PATTERNS

Because the available statistics do not indicate wife battering within the general category of assault, statistics are not available regarding the sentencing patterns of batterers.

Judges, in dealing with convicted batterers, would be in a much better position to impose an adequate sentence if they were better informed of the incidence of the problem provincially and/or nationally. Furthermore, Crown Prosecutors could better assess the merits of any given case and could more effectively address the Court when speaking to sentence, given such statistics.

PUBLIC EDUCATION

In dealing with the victims, the Department of Justice does not have a formal program other then a general information bulletin which is provided to all victims of crime, particularly when it is anticipated that victims will be required to testify. Two pamphlets recently published by the Department "What Victims Should Know" and "What Witnesses Should Know" are part of an on-going re-emphasis of the needs of victims and witnesses of crime. These have been reasonably effective in assisting witnesses and victims to fully understand their situation once the criminal justice system is brought into play.

The Department has further established two pilot projects known as the "Victim/Witness Coordinator Programs" to provide information and counselling services to witnesses who will be required to testify in Court. This service extends to assisting victims and witnesses in finding babysitting services, transportation to and from Court, and providing information regarding what is expected of the witness in Court (type of questions which will likely be asked, proper dress, how to address the Court, etc.). The projects are budgeted at $40,000.00 as a one-time pilot, ending in the summer of 1984. Initial indicators suggest that as a direct result of the counselling, witnesses are much more at ease and knowledgeable of what is expected of them when they are required to testify.

II. HEALTH

LEGISLATION

There is no legislation in New Brunswick administered by the Department of Health which specifically addresses the issue of wife battering.

POLICIES

The Department of Health does not have policies which directly address the issue of wife battering. However, there are a number of policies which have an indirect bearing on the departmental approach to the provision of health services to meet the needs related to this significant problem in the community.

(a) The Department of Health is committed at the policy level to achieving an effective and efficient balance of necessary health services ranging from prevention (including education), early detection, diagnosis through to treatment, rehabilitation, and follow-up for health maintenance purposes.

(b) The Department is also committed at the policy level to a range of necessary health services that are available and accessible to those requiring them.

(c) Population-based needs form a cornerstone of departmental decisions to fund health programs and services within the context of funds available to the government.

PROGRAMS

There are four general programs providing services related to wife battering; medicare (physician payment), hospital services (emergency and out-patient, in-patient), mental health clinics, and public health. Both medicare and hospital services are cost-shared with the federal government.

The amount of funding expended in the four general programs or directed specifically to the problem of wife battering cannot be ascertained. Generally, the services currently provided by physicians and hospitals and which are cost-shared by the federal and provincial governments are largely oriented towards diagnosis and immediate treatment.

The services provided through personal health programs are funded by the provincial government. These are services which are more oriented towards prevention and early detection (Public Health) and rehabilitation and follow-up (Mental Health Clinics). The current constraints on provincial government funds and personnel for direct government-sponsored programs have limited the availability of resources specifically available for addressing the problem of wife battering.

HOSPITAL PROCEDURES/EMERGENCY ROOM RESPONSE

Few formalized programs are in existence which relate to Hospital Based Services. However, a survey of hospitals revealed that there is genuine interest in this area and some hospitals are making attempts to address this issue. A workshop on feminist intervention was held in Moncton, New Brunswick on September 16, 1983. The two sponsoring groups were the Dr. Georges Dumont Hospital and the Moncton Hospital.

Hospitals deal with cases of wife battering in three ways:

(a) Referrals are made to the Social Work Department;

(b) Arrangements are made to have the wife stay in a transition house for a period of time;

(c) Arrangements are made for individual counselling.

TREATMENT PROGRAMS FOR VICTIMS AND OFFENDERS

Treatment is available for victims and offenders through mental health clinics which form a portion of Community Based Services. All of the mental health clinics offer counselling and psychotherapeutic services for individuals who present themselves to the clinic. Consultation is also available to existing community programs or groups within each of the health regions. For example, the Mental Health Clinic in Moncton estimates that twenty-five (25) women and three (3) men were seen last year in relation to wife battering. One case involved a women battering a man. The clinic also participated in sponsoring a continuing education workshop in this area and cooperated with a variety of community programs such as "Options and Counselling for Men Incorporated".

PUBLIC EDUCATION

Although at the present time there are no formalized public education programs, their establishment has been recommended as service improvements which may be provided through mental health clinics or through public health.

Workshops have been sponsored in this area such as the continuing education workshops sponsored by the Mental Health Clinic in Moncton.

III. SOCIAL SERVICES

LEGISLATION

The Child and Family Services and Family Relations Act, S.N.B. 1980, c. C-2.1 addresses the issue of wife battering. Part III of the Act (Protection Services) and in particular sections 31(1)(f) and

58(2) provide some form of service for abused mothers and their children. An abused mother is defined as a pregnant women, a mother, or a de facto mother who is a victim of physical abuse, sexual abuse, emotional abuse or any combination of the above alleged to have been inflicted by her legal or common-law spouse.

POLICIES

The Services to Abused Mothers and their Children Policy addresses the issue of wife battering for this identified group.

Policy further provides that women entering Transition Houses or Emergency Shelters will have the per diem rate paid on their behalf if they do not have sufficient resources available immediately. Any monies paid on their behalf would not affect any other assistance to which they may be entitled.

STANDARDS FOR TRANSITION HOMES

The Department of Social Services has established regulations and regulatory criteria in relation to community placement residential facilities, which require service programs and health and safety standards for emergency shelters and transition houses.

RESPONSE OF SOCIAL SERVICES PROFESSIONALS

A client may contact either the Department of Social Services or a transition house and request service. A transition house may admit directly, in which case the house is required to contact the Department of Social Services on the next working day. In some cases, a social worker visits a transition house on a regular basis to see clients.

When the initial contact is made with the Department, the client is interviewed by a social worker to determine what services may be offered, to provide counselling and to register the client for payment of the per diem rate.

Through the Services to Abused Mothers and Their Children Policy, services are available during office hours through the established screening procedure of each office. Emergency services are available after office hours through the On-Call Service.

PROGRAMS

There are four programs in existence which relate to the issue of wife battering. The Child Protection Program, which assumes that family violence is present in 30 to 40 per cent of the caseload, has an associated cost of $1,740,000.00, of which the federal contribution is $870,000.00. Of the remaining three programs, Transition Houses, Emergency Shelters and the Restigouche Family Crisis Interveners, all receive provincial and federal funding.

FUNDING OF TRANSITION HOMES

FEDERAL PROGRAMS

There is a federal contribution of 50 per cent of the total cost of Transition Houses, Emergency Shelters and the Restigouche Family Crisis Interveners Program. There is a further associated contribution to the Child Protection Program as outlined above.

PROVINCIAL PROGRAMS

The provincial contribution to Transition Houses is $259,000.00, Emergency Shelters receive $115,000.00 and the Restigouche Family Crisis Interveners has been provided a provincial grant of $43,540.00. The latter is jointly funded by the Departments of Justice and Social Services. Emergency Shelters and Transition Houses are approved and funded through a per diem rate for battered women and their children by the Department of Social Services. The per diem rate for Emergency Shelters is $12.80 per day and the rate for Transition Houses $17.90 per day.

COUNSELLING PROGRAMS

FOR BATTERERS

A course entitled "Men Who Batter Course" was offered in Saint John, New Brunswick last year at a cost of $10,000.00.

FOR VICTIMS

Upon contacting the Department of Social Services, or shortly after admission to a home, counselling services may be provided. Services provided through the Services to Abused Mothers and Their Children Policy include crisis intervention counselling through which the worker will support the woman in making any short-term decisions and in coping with her immediate situation. Follow-up counselling may also be provided and may include further counselling, financial services and referral services to other agencies enabling the mother to resolve her situation on a long-term basis. Where it is apparent that the mother has needs beyond the Department's mandate and services, she will be referred to the appropriate community resource such as the Mental Health Clinic, doctor, police, Family Court, or other appropriate service.

WELFARE

EMERGENCY INCOME

Payment of the per diem rate for Transition Houses and Emergency Shelters is considered to be entirely separate from any other financial assistance which the client may receive, and is not income tested. This allows the woman to stay in the facility without having to account for her lack of access to family funds and allows the woman to either return to her husband or apply for social assistance without the cost of the per diem being treated as income.

Services through the Services to Abused Mothers and their Children Policy include the provision of emergency financial assistance towards temporary accommodation and meals for those who cannot rely on relatives or friends. Emergency shelters or motels may be used in accordance with local resources. If the abused mother requires immediate financial support due to the urgent nature of the situation, immediate access to social assistance (income maintenance) is arranged.

ELIGIBILITY REQUIREMENTS

As set out above, payment of the per diem rate for Transition Houses and Emergency Shelters is considered to be entirely separate from any other financial assistance, and is not income tested.

IV. EDUCATION AND SPECIAL GROUPS

LEGISLATION

There is no legislation administered by the Department of Education which specifically addresses the issue of wife battering. However, the

Schools Act does provide the Minister of Education with sufficient authority that he may undertake initiatives in relation to the problem of family violence.

POLICIES

There are no policies with the Department of Education which address this issue.

PROGRAMS

There are no programs which directly address this issue.

PUBLIC EDUCATION

There are no departmental programs available through the school system which focus on the issue of wife battering. However, there are school system activities which indirectly address some aspects of this issue.

Standards for interpersonal behavior are discussed in some parts of the health curriculum, particularly in relation to maturity and mental health. Programmes are also available to assist children in understanding their own feelings and those of others. In programs such as "DUSO" (Developing and Understanding Self and Others), and "Magic Circle", self-expression in groups is the primary technique used.

Acceptable norms of behaviour among adults are discussed as part of "values" education. Material on this broader subject is being developed and implemented as pilot projects, particularly in the francophone sector of the Department (valeurs humaines).

The school has traditionally accepted a responsibility to model and reinforce mature interpersonal behaviour, including the rejection of violence as a satisfactory means for relieving frustrations or achieving of ends.

Family violence does at times come to the attention of school counsellors, who respond on an incident basis. Intervention tends to be limited, and oriented towards dealing with the student's ability to cope. Protection of the intervenor against reprisal is a valid concern.

IMMIGRANT WOMEN/NATIVE WOMEN

There are no special programs for immigrant women or Native women.

5. PRINCE EDWARD ISLAND REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERING.

PROVINCE OF PRINCE EDWARD ISLAND

I. CRIMINAL JUSTICE SYSTEM

POLICE POLICY AND PRACTICE

Prince Edward Island is policed by four municipal Police Departments and seven RCMP Detachments. In October 1983, the Attorney General for Prince Edward Island requested that police lay charges in wife assault cases where there are reasonable and probable grounds to believe that an assault has taken place. This directive is consistent with policy in the major police departments. In practice some police officers are reluctant to intervene in family disputes and believe mediation and Family Court is the appropriate response. Results of two research projects--Police Intervention in Domestic Disputes (Summer, 1983), and A Study for the Planning of Victim Assistance Services (June/83 - January/84)--will provide further information on police practice.

POLICE INTERVENTION TRAINING

The Atlantic Police Academy, which is located in Charlottetown, provides a police training program for the four Atlantic provinces. Police cadets receive instruction in human relations, crisis intervention and police mediation. In-service training in crisis intervention is also available at the Academy. A recent review of curriculum for cadet training has put additional emphasis on serving the victim.

COURTS - FAMILY VS. CRIMINAL

In Prince Edward Island, the Provincial Court (Criminal) deals with Criminal Code offences like assault. The Family Division of the Supreme Court deals with family law matters including divorce, custody, and property settlements. There is no mechanism for the law enforcement aspect of assault in the Family Division.

CONDITIONS OF PROBATION

A period of probation on conviction of assault allows supervision by the probation officer, and is a sentencing option used in Prince Edward Island. In addition to a requirement to keep the peace, conditions might include that the person: stay away from residence of the spouse; not attempt to contact the spouse; pay restitution for injury or damage to property; not possess a weapon; and/or undergo counselling or treatment programmes.

FAMILY LAW - MATRIMONIAL HOME

Section 45 of the Family Law Reform Act permits exclusive possession of the matrimonial home if in the opinion of the Court other provision for shelter is not adequate in the circumstances or it is in the best interests of the child to do so.

LEGAL AID FOR VICTIMS

The Prince Edward Island Legal Aid Office provides legal services in criminal and family law matters to clients who qualify based on financial need. The office will give information over the telephone regarding criminal and family law options available to battered women;

however, if the concern is criminal law in nature the caller is referred to the crown prosecutor. Victims do receive legal aid in family law matters such as divorce, custody and maintenance with priority being given to those in most urgent need.

VICTIM ADVOCACY PROGRAMMES

There are no victim advocacy programmes in the province; however, the staff of Transition House Association provide support to women who stay at Anderson House (the only transition house in the province). Results of a research project on the planning of victim assistance services which will be available shortly will provide information to plan programmes for victims.

PROGRAMMES FOR BATTERERS

Turning Point, a group counselling programme for men who batter, will begin in Charlottetown, May 1984. Turning Point is an interagency programme and will operate from a family service agency. A workshop to learn skills in working with men who batter was held in Charlottetown in November 1983.

JUSTICE RESOURCE SERVICE

The Justice Resource Service programme promotes community involvement and public education about domestic violence. A recent public forum "Intimate Violence - The Family Secret" attracted 200 participants. Other areas of involvement include preparing public legal information material, interdisciplinary staff training, and speaking with community groups. The Justice Resource Service is a three-year programme cost-shared between the Provincial Department of Justice and Solicitor General Canada. The provincial commitment is $107,000.00 over the three year period to October, 1985.

INTERAGENCY COMMITTEE ON DOMESTIC VIOLENCE

The Interagency Committee on Domestic Violence, representing 15 government and community agencies, is concerned with services to victims of domestic violence, and creating an attitude of public responsibility that violence in relationships is not acceptable.

II. COMMUNITY AND SOCIAL SERVICES

LEGISLATION

The Family and Child Services Act was proclaimed on January 15, 1982. Section 1(2), subsections (b), (c), (e) and specifically (i), refer to a child in situations of domestic violence.

Section 1(2) states that for purposes of this Act, a "child in need of protection" means a child:

(b) who is in the custody of a person who is unable or unwilling to care for the child, or whose behaviour or way of life creates a danger for the child;

(c) who has been physically abused, neglected or sexually exploited or is in danger of consistently threatening behaviour;

(e) whose behaviour, condition, environment, or associations is injurious or threatens to be injurious to himself or others;

(i) who is living in a situation where there is severe domestic violence;

TRANSITION HOUSE ASSOCIATION

Transition House Association was established January 1981 and the following June opened Anderson House, the first emergency shelter in the province for abused women and their children.

The objectives of Transition House Association are public education, fund-raising and overall responsibility for the operation of Anderson House, follow-up support group for ex-residents, and training for community agencies. The Association maintains a public education office with one part-time staff person who travels extensively to speak to interested groups.

ANDERSON HOUSE

Anderson House, a project of Transition House Association, is the only transition house for victims of domestic violence operating in Prince Edward Island. It provides emergency shelter, food and clothing, information and crisis telephone service; crisis counselling; recreational activities for children staying at the house; and referral to other agencies. There are four full-time and five relief staff, as well as several volunteers.

Although Anderson House is located in Charlottetown it draws only 29% of its users from this area. The remainder come from the three countries (66%) and out-of-province (5%).

TRANSITION HOUSE FUNDING

The provincial Department of Health and Social Services is the primary funding body for Transition House Association which operates Anderson House. The Department pays through its Welfare Assistance Program a per diem rate of $23.65 for eligible clients who are in need. During the 1982-83 fiscal year Transition House Association received $64,500.00 which was cost-shared with the federal government under the Canada Assistance Plan. Anderson House is listed in this provincial government's CAP Agreement as a "Home for Special Care", and is listed under the P.E.I. Child Care Facilities Act as a licensed day care.

PROVINCIAL GOVERNMENT PROGRAMMES

The provincial Department of Health and Social Services administers a number of programmes which provided services to victims of wife assault, but they do not identify these women and their families as a target group.

1. Welfare Assistance Program

The Welfare Assistance Program, in accordance with the P.E.I. Welfare Assistance Act, provides financial assistance for meeting immediate survival or basic needs, and also assistance in meeting a variety of special needs which may be required for the health, safety or well-being of an applicant or beneficiary. Applicants are expected to have explored or exhausted all other financial resources, including family support, before applying for receiving welfare assistance.

2. Job Creation and Placement Program

The objective of the Job Creation and Placement Program, which was implemented in September 1982, is to assist employable social assistance clients to gain independence through employment. Employment in provincial government departments, municipal governments and non-profit organization is considered.

3. Employment Preparation Program

The Employment Preparation Program which was implemented in August 1982 as a two-year pilot project, is designed to assist employable social assistance clients in returning to the work force through training or retraining, job search and placement, or employment through the Job Creation and Placement Program. This program gives priority to couples with dependents.

4. Home Helper Program

The purpose of the Home Helper Program is to assist clients in acquiring skills which will enable them to function adequately within the home and the community. Generally, services are provided in the client's home. The target population for the program is families in need of training/support to improve day-to-day functioning.

5. Visiting Homemaker Program

The Visiting Homemaker Program provides support to families in time of crisis and assists family members in planning toward assuming responsibility for managing the demands of their particular situation.

Services provided include: child care and supervision, emotional support, and routine housekeeping. These services are intended to be short-term, and seldom exceed six months.

6. Early Childhood Development Program

The Early Childhood Development Program has an objective to ensure the availability of child care of consistent and adequate standards to children of families in need of the service. It offers full or partial subsidy toward purchase of licensed day care spaces for children in specific social or financial situations.

III. EDUCATION

SCHOOL CURRICULUM

The issue of wife battering is not addressed directly in the public school curriculum. There are provincially authorized programs in guidance, home economics, health and social studies which teach students skills such as anger control and communication, and explore the structure and role of the family, marriage and the legal system. Although the following courses are approved for use in the schools, they are not required and the extent to which they are taught varies from school to school.

Guidance

Dimensions of Personality is a guidance program which is being taught to about 50% of the students in grade 1-3, about 34% of the students in grades 4-9 and about 15% of the students in grades 10-12. It is designed for integration into other programs such as language arts, home economics, health, social studies, etc. The program covers such topics as relationships with family, respecting individual differences and behaviour causing negative emotional responses.

Home Economics

Family living is one of the 3 topics covered in the provincially authorized junior high (grades 7-9) home economics curriculum. Within the family living topic the course outline covers relationships, personality, decision-making and child care. In some schools it is taught in a one year period; other schools spread the course over 2 or 3 years.

The provincially authorized curriculum for senior high (grades 10-12) home economics was revised in 1982-83 and the family living component is very comprehensive. If students have had no family living at the junior high level, the course is taught as a full credit. Three of the objectives for this course are (i) to recognize the variations in expectations for marital success and the areas which may need adjustment; (ii) to discuss some ways of meeting marital problems and to be aware of actions which contribute to a more lasting and mutually satisfying relationship; and (iii) to examine one's own feelings and attitudes about love, marriage, children, responsibility, and to explain marriage laws and customs of different religious and ethnic groups.

Approximately 25% of the junior and senior high students receive some Family Living education. Males account for about half of the junior high students, but only about a third at the senior high level.

Health

Domestic abuse is not treated as a separate topic in the health curriculum. The mental health theme and growth and development theme both explore how to recognize and cope with the behaviours associated with domestic abuse. These themes are repeated in grades 1 to 8 introducing new concepts or approaching topics from a new perspective. Concepts and methods are keyed to the developmental level of students. In the grade 9 and 10 curriculum parenting skills are discussed and the causes of child abuse, as well as support systems and coping mechanisms, are identified.

This course is taught to more than 90% of the students in grades 1 to 9, but only about 10% of the senior high students receive health education.

Introductory Law

This course is designed to give students in grades 11 and 12 an overview of the Canadian legal system including criminal and family law.

LEGISLATION

The School Act sections 5(a) and (c) state that the Minister of Education may prescribe standards of instruction, and may prescribe or approve textbooks and materials for use in the schools. This section gives the Minister legislative authority to develop curriculum materials which address the issue of domestic violence.

PUBLIC EDUCATION

With the assistance of the Justice Resource Service Programme a booklet for professionals (social workers, police, public health nurses, transition house workers) and victims, and a brochure for the public, have been prepared to provide information about the legal options and the procedure involved. This includes assault charges, recognizance order (peace bonds), and restraining orders (Section 34 Family Law Reform Act). The process of preparing this material has helped to clarify some of the confusion in this area.

6. ONTARIO REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERING.

SEE ALSO:

FAMILY VIOLENCE: WIFE BATTERING (OCTOBER 1983)
(Ontario Government Response to the Standing Committee on Social Development Report on Family Violence: Wife Battering)

COPIES AVAILABLE FROM: Ontario Women's Directorate
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ONTARIO SUBMISSION TO THE
FEDERAL-PROVINCIAL-TERRITORIAL WORKING GROUP
ON WIFE BATTERING

OVERVIEW OF RECENT ONTARIO GOVERNMENT INITIATIVES

I. JUSTICE SERVICES

POLICE LAYING CHARGES

In November 1982, the Solicitor General of Ontario instructed the Chairman of the Ontario Police Commission to advise all police chiefs that he expected police officers to investigate all incidents of domestic violence and to lay charges where facts and circumstances warrant.

The Solicitor General has addressed the Municipal Police Authorities and urged them to join with him to do everything possible to ensure that police officers throughout Ontario react in a sensitive manner to wife battering calls and lay charges when circumstances warrant. He has also spoken to a number of organizations in the Law Enforcement field such as Associations of Chiefs of Police and the Eighth Annual Symposium of Provincial Police Commissions, where he emphasized the need for prompt police response to domestic violence. The Solicitor General will continue to give major emphasis to the above-noted policy directive.

The Ontario Police Commission have advised all police forces to keep detailed statistics on domestic violence incidents. The Solicitor General requested all police forces to provide a report on this directive. Work is currently underway to develop a method of statistic gathering that will provide some type of uniformity throughout the province.

POLICE TRAINING

A Conference on Policy-Family Crisis Intervention was held at the Ontario Police College in October 1983.

In-service training at the College has been upgraded and expanded. All recruits now spend three days on "Crisis Intervention" training. There is considerable classroom discussion during these three days on domestic violence. The Ontario Police College manual "Family Crisis Intervention" has been extensively revised and upgraded to make officers aware of the need to intervene and lay charges when warranted in domestic violence cases. The manual clarifies that dealing with wife assault is not part of "non-criminal order maintenance duties". It also makes it clear that as part of criminal law procedures, generally, charges can be laid by the Officer even though the officer has not seen the assault, providing his investigation reveals the necessary reasonably and probable grounds.

ASSISTANCE TO VICTIMS

Projects have also been undertaken with regard to joint police-social work response to family violence calls. The London Family Consultant Program, funded by the London Police Department, and the Metro Toronto Domestic Response Team, funded by the Ministry of Community and Social Services, represent examples of the joint police-social worker crisis intervention approach.

Individual police forces, around the province, are also undertaking a variety of projects to provide information and assistance to victims of crime, including battered women. Special projects to provide victims with more direct information are already underway. For example, in September 1983, pilot projects involving four police forces (London, Waterloo Region, Hamilton-Wentworth Region and Timmins) were launched to increase awareness of the services available to assist victims of crime.

In the summer of 1982 the Attorney General directed Crown Attorneys to ensure that prosecutions in the area of domestic violence were pursued vigorously. At the January 24, 1984 Provincial Consultation on Wife Battering the Attorney General again emphasized the importance of ensuring that all domestic violence-related prosecutions are conducted vigorously. The Attorney General also referred to the policy statement of the Ministry of the Attorney General submitted to the Liaison Committee on the Enforcement of Family Law Orders concerning in part the role of criminal justice in the case of domestic violence:

> "Crown Attorneys may proceed with a prosecution against the wishes of the complainant. The Crown Attorney should accede to a request by the complainant not to proceed only after giving the request careful and serious consideration. This is clearly in line with the view that domestic violence is in the realm of other criminal offences and must be treated as equally serious, and not regarded as solely a private family matter".

The Attorney General went on to state:

> "Clearly, the Crown Attorney continues to have the jurisdiction to withdraw the charge when circumstances warrant. But, equally as clear, he must consider the guidelines in the context of the circumstances of a particular case".

In March 1984, the Director of Crown Attorneys wrote to all Crown Attorneys and provided a list of factors which should be considered in determining whether a domestic violence prosecution should proceed when the battered spouse is unwilling to testify.

The Attorney General will also be requesting funding to locate witness assistance workers across the Province.

As previously mentioned, the Provincial Secretariat for Justice hosted a major Consultation on Wife Battering in January 1984 which brought together service provider and front-line personnel with policy makers. On the basis of this Consultation, a number of studies have been commissioned by the Justice Secretariat to provide information on ways and means to improve services of the criminal justice system to battered wives. They are:

(1) A study of legal information and counselling services for battered wives;

(2) A research study on alternative responses to family violence incidents and relationship to long-term prevention;

(3) A special project aimed at improving services for battered rural women;

(4) An information study on requirements and resources to meet the needs of battered immigrant women;

(5) A similar information study on requirements and resources to meet the needs of battered native women;

(6) An assessment of programs for men who batter.

The design phase of these studies has now been completed, and the actual study and research will take place during 1984-85.

The Provincial Secretariat for Justice also held a major Provincial Consultation on Victim Justice and Violence on May 7-8, 1984.

II. SUPPORT SERVICES

FUNDING OF TRANSITION HOUSES

Under the authority of the General Welfare Assistance Act, municipalities in Ontario have the discretion to provide hostel per diems to transition houses, cost shared on a ratio of 50% federal, 30% provincial and 20% municipality. Beginning April 1, 1984, a new stabilization formula to provide funding has been introduced by the Ministry of Community and Social Services. The municipal hostel program will continue to cover the cost of room, board and personal needs of residents. The Province will also encourage municipalities to raise their hostel per diems to the ceiling of $22.60. (Each municipality sets its own hostel per diems.) In additon, purchase of counselling services contracts will be provided under the GWA Act to cover the cost of basic counselling services up to $3,000/bed. Where necessary, a supplement to the above sources of income by a direct Ministry purchase of service will be provided to ensure that transition houses receive sufficient funding to cover "basic costs", calculated as follows:

- Staff costs:

8-12 beds	(3-½ staff, plus a supervisor)	$ 82,600
13-16 "	(4-½ staff, plus a supervisor)	98,800
17-20 "	(5 staff plus a supervisor)	106,900
21-24 "	(5-½ staff, plus a supervisor)	115,000
over 24 beds	(6 staff, plus a supervisor)	123,100

- Actual costs for rent/mortgage/taxes

- Average costs for:

  - utilities
  - food/personal needs
  - other miscellaneous costs

- Plus up to $3,000 per bed for basic counselling services.

Using this formula, an example basic cost for a 10 bed house (at 90% occupancy) would be $143,000; a 20 bed house (at 80% occupancy) would be $219,000. Actual revenues received by transition houses (i.e. municipal hostel per diems, charitable donations, user charges and other) would then be deducted from the basic cost calculated, and the residual cost shared on the above-noted ratio by the federal, provincial, and municipal governments. (Note: in smaller municipalities where the 20% share cannot be raised the provincial share could rise above 30%).

In 1983-84, the Ontario Government provided $2.8 million in funding to 45 transition houses in Ontario; in 1984-85, the stabilization formula will add another $3.2 million to the budget for these facilities located in small northern communities. Each centre will accommodate 8 persons (to a maximum of 10) and will be used primarily for battered women and their children.

The Ministry of Community and Social Services has been provided with an additional 3.5 million in 1984-85 to expand shelter services for battered women and their children and to provide emergency assistance and support.

The Ontario Government has recently implemented a policy whereby a discharge allowance of up to $350 is available to a person leaving an institutional setting. Payment must be used in establishing a residence in the community and is payable once in every 12 month period. Women leaving transition houses are eligible for this payment if they are also eligible for assistance under the GWA program.

COUNSELLING FOR BATTERERS

The Ministry of Correctional Services has provided staff time to develop, implement for men who have been convicted of an offense involving domestic violence. This program, located in London, is known as "Changing Ways", a proposal requesting funding for a community-based group to continue the program is now being considered by the Ministry. The Ministry also purchases services from Hiatus House in Windsor, which provides not only shelter and support to victims of domestic violence, but also provides counselling and support to the batterer. Probationers convicted of an offense involving wife abuse can be referred to this program for intervention.

As referenced earlier, an assessment is being carried out for the Provincial Secretariat for Justice of the counselling programs for men who batter in Ontario. The study has identified 12 programs in existence for batterers in Ontario, with 3 more in the start-up phase.

Programs such as anger/aggression control training and family/marital counselling are currently offered through some of the Province's correctional institutions.

SERVICES FOR CHILDREN

There are a range of projects designed to assist children who either have been the direct victims of abuse or who have lived in homes where family violence occurs. For example, the Ministry of Community and Social Services funds a project in London on the impact of exposure to marital violence on children. It is anticipated that this project will provide information that will help break the cycle of intergenerational violence. In a related effort, the Ministry funds a demonstration project in Toronto whereby a child-care worker is provided to assist a teacher to respond to the special needs of the children who attend the school from three (3) local transition houses.

EMPLOYMENT COUNSELLING

Employment Support services are now being offered on a pilot basis by the Ministry of Community and Social Services through nine municipalities in Ontario. As women on G.W.A. and F.B.A. are eligible for those employment support initiatives this could include battered women from transition houses. As part of the employment initiatives of the Ministry of Community and Social Services, information on employment career counselling programs will be made available to women in shelters.

EMERGENCY, SECOND-STAGE, AND LONGTERM ACCOMMODATION

The Ontario Housing Corporation is reviewing its policies and procedures with the intention of making subsidized rental accommodation more accessible to the victims of domestic violence. In addition, the point-rating system used by OHC to establish applicant priority for housing is currently under study and ways to increase the point allocation for victims of wife assault are being considered.

The Provincial Secretary for Justice has written to the federal Minister of Public Works, responsible for the Canada Mortgage and Housing Corporation, to request that additional subsidized units be set aside for use as housing for battered women and their children.

The Ministry of Community and Social Services is monitoring the progress of transition houses that are considering the development of second stage housing facilities.

III. EDUCATION

PUBLIC EDUCATION

The invaluable work contained in the 1982 reports on wife battering of both the Federal Standing Committee on Health, Welfare and Social Affairs and the Ontario Standing Committee on Social Development have heightened both government and public concern about the issue.

The Provincial Secretariat for Justice hosted a Consultation on Wife Battering in January 1984. A wide variety of recent conferences and meetings have increased public awareness of the problem.

The Deputy Premier will be hosting a series of regional meetings throughout Ontario on family violence, which will focus on public education within communities as well as coordination of all available local resources to address the issue. The community input provided will also assist the Government in the development and priorizing of future initiatives. The first meeting will take place in Kingston on June 12, 1984.

The Ontario Government has also appointed a Provincial Co-ordinator of Family Violence Initiatives, located in the Ontario Women's Directorate of the Deputy Premier's Office, who is coordinating the Government's overall response to the problem, as well as assessing and priorizing the necessary Provincial initiatives. The Provincial Co-ordinator is liaising with community groups to canvas their views and concerns, and match their needs with Government priorities and initiatives. The Provincial Coordinator of Family Violence Initiatives has also established a Steering Committee of 12 Ontario Government Ministries, to ensure a coordinated implementation of initiatives.

A general information pamphlet is currently being prepared, which will be made available in response to public inquiries requesting information about wife assault.

The Provincial Coordinator's Office has the responsibility of launching a major public education campaign in the fall of 1984. The purpose of this campaign will be to make the public aware of the incidence of wife assault and identify it as socially unacceptable behaviour and a serious crime.

PROFESSIONAL DEVELOPMENT

The Ministry of Community and Social Services is developing training materials for staffs of transition houses and other professionals. A compendium of services and educational kits is also being prepared. Training sessions have already taken place with transition house operators, social workers and other professionals. The Ministry is developing protocols that can be used by health professionals and others. The Ministry of Community and Social Services has a film library available to assist individuals and groups in providing public education and professional development.

An Interdisciplinary Seminar on Family Violence was held by the Ministry of Community and Social Services on March 27-28, 1984, attended by 250 service providers. A variety of workshops were offered on such issues as transition and second stage housing; counselling the victim; violence intervention; programs for batterers; treatment for children; working with immigrant women; legal issues; coordination and research.

The Ontario Government, wherever possible, has been encouraging members of professional faculties to ensure that their members and students have a clear understanding of the problem of wife battering.

As part of the mandate to provide prevention services, the Ministry of Community and Social Services is currently consulting with colleges and universities to encourage them to develop courses for social workers, early childhood educators, and criminologists, to assist in the early identification of people at risk and in the identification and treatment of violence within the family.

CURRICULUM DEVELOPMENT

The Ministry of Education has identified the need to include topics regarding family relationships in appropriate courses of study so that young people become aware of and understand the reality not only of family violence but also of healthy relationships. The Ministry of Colleges and Universities has brought the Report on Wife Battering of the Ontario Standing Committee on Social Development and its recommendations to the attention of the Council of Ontario Universities and of the Ontario Council of Regents for Colleges of Applied Arts and Technology for their action.

7. MANITOBA REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSE TO WIFE BATTERING

PROVINCE OF MANITOBA

CRIMINAL JUSTICE SYSTEM

POLICE POLICY AND PRACTICE

On February 10th, 1983 the Attorney-General's Department requested that all police forces in the Province institute criminal proceedings in all cases where a spouse has been assaulted and where the investigating officer has reasonable and probable grounds to believe that an assault has taken place. Since February 10th, 1983 this policy has been effected by the City of Winnipeg Police and by the R.C.M.P., which polices areas outside of the City of Winnipeg proper.

POLICE INTERVENTION TRAINING

Both the R.C.M.P. and City of Winnipeg Police have segments (of varying length) in their training course dealing with crisis intervention and the role and duty of police officers in attendance at domestic disputes.

COURTS - FAMILY VS CRIMINAL VS UNIFIED

At this time Manitoba does not have a Unified Family Court. At the present time, spousal assault cases in the Province are dealt with in the Provincial Judges Courts (Criminal Division).

COURT ORDERS/PEACE BONDS

Peace bonds are not frequently used in this jurisdiction, although with the new policy respecting spousal abuse one would expect that they will be more frequently used. For the most part, these types of bonds are used in neighbourhood disputes and are generally obtained by the individual without Crown intervention. However, on occasion, acting upon a complaint, prosecutorial offices will become involved in supporting an individual who wishes to have a peace bond entered into.

CONDITIONS OF PROBATION

The most frequent probation conditions used in probation orders in spousal abuse cases are not to associate with or have any contact with a spouse, and to seek counselling or treatment provided by A.A. There are no statistics available from this office regarding the number of probation conditions issued.

It is expected that once counselling services become more available and visible, this type of condition of probation will become more prevalent.

FAMILY LAW - MATRIMONIAL HOME

This particular aspect in this jurisdiction does not involve the Attorney-General's Department. This issue usually arises through the Family Court where private practitioners representing their clients obtain peace bonds or the like, removing the individual from the matrimonial home.

VICTIM ADVOCACY PROGRAMMES

The Attorney-General's Department is involved in such a program through its Victim-Witness Assistance Project, which deals with many different types of victims of crime, one of which would be victims of spousal abuse. More and more, however, the Victim-Witness Assistance Project is setting up lines of communication with the Manitoba Committee on Wife Abuse in order to assist them with this particular role. Both of these programs are in infancy stages and one would expect that there will be an increase in these programs, particularly in light of the Federal/Provincial Task Force Report on Justice for Victims of Crime.

PROGRAMMES FOR BATTERERS

In this particular area the Manitoba Committee on Wife Abuse is beginning to develop programs for batterers in this jurisdiction. There are batterer support groups through Family Services of Winnipeg and through Klinic. As well, there is a batterer support group in Portage la Prairie through Probation Services. Also, there is involvement of many individual counsellors who are becoming interested in this area. One would expect that there will be an increase in such programs as these different support groups continue their development.

LEGAL AID FOR VICTIMS

The Manitoba Legal Aid Plan is available to all persons requiring legal assistance in the Province if they fulfill eligibility requirements. Although there are no statistics available from this Department, it is expected that Legal Aid routinely provides legal assistance for restraining orders and divorce cases where eligibility requirements have been met.

ROLE OF THE PROSECUTOR

As of February 10th, 1983 and the policy announced at that time with respect to criminal proceedings regarding spousal abuse cases, prosecutors in the Province of Manitoba have been implementing the announced policy. After the laying of the charge by the appropriate police department, the prosecutors would do everything in their power to support the victim in order that they would be prepared to testify at the trial of the matter. The prosecutor's success at this task varies on a case basis depending on such factors as the seriousness of the offence, availability of counselling services, sufficiency of evidence, etc. Statistics are being kept in order to delineate problems in this area in order that solutions might be found to witnesses not wishing to testify on such matters.

POLICE STATISTICS - RESEARCH

From the time of the policy change on February 10th, 1983 both the R.C.M.P. and the City of Winnipeg Police have been keeping statistics with respect to the number of charges laid, and the number and type of dispositions. It is hopeful that these statistics will assist us in identifying problem areas with respect to the policy.

SENTENCING PATTERNS

There is a lack of available data at this time with respect to any particular sentencing patterns. However, it can be noted that many of the dispositions involve conditional discharges and/or probation with referral to A.A. or the Alcoholism Foundation of Manitoba. It would appear from these types of sentences that many spousal abuse cases have an alcohol induced background.

It is expected that once counselling services have developed to a greater extent there may very well be clearer sentencing patterns with conditions that the accused and/or victim seek counselling in this area.

CRISIS INTERVENTION TEAMS

As far as the criminal justice system is concerned, the police departments, as indicated previously, have training in this regard. However, unlike some jurisdictions, there is no set team of police officers who do nothing but crisis intervention. All officers are trained equally in such techniques. It is expected that there will perhaps be an increase in crisis intervention teams not necessarily from the law enforcement agencies but from private agencies, such as Klinic.

RESEARCH ON JUSTICE SYSTEM RESPONSE

As indicated, both the R.C.M.P. and the City of Winnipeg Police are keeping statistics with respect to the number of charges laid and the disposition of those charges. A member of the Attorney-General's Department meets with members of the law enforcement agencies and the Manitoba Committee on Wife Abuse to review these statistics in order to identify any problem areas that can be corrected. The Victim-Witness Assistance Project is currently considering the Report of the Federal/Provincial Task Force on Justice for Victims of Crime to see what programs are presently available in this regard and what changes should be made to improve them.

RULES OF EVIDENCE - SPOUSAL COMPETENCY/COMPELLABILITY

Rules of evidence are governed by the provisions of the Canada Evidence Act and common law. Spousal competency and compellability rules apply in spousal abuse cases.

REVOCATION OF PAROLE

It would appear in this jurisdiction that charges of spousal abuse are treated the same as any other breaches of conditions of parole.

PUBLIC EDUCATION

In this regard the press release of the Attorney-General with respect to the changed policy on charges of spousal abuse received a great deal of publicity and continues to do so. Also, the Manitoba Committee on Wife Abuse has published a pamphlet which has been disbursed to the appropriate agencies and a great deal of publicity has been generated by this Committee.

HEALTH - LEGISLATION, POLICIES AND PROGRAMS

LEGISLATION

There is nothing in the present Public Health Act or Mental Health Act that relates to wife abuse per se. The Public Health Act is presently under review. The Mental Health Act includes a clause whereby it is mandatory that any mentally retarded person seen to be in jeopardy is to be reported to the authorities. Therefore a lay person could lay an information charge. A recent departmental report on the Mental Health program has recommended the Mental Health Act be reviewed.

POLICIES AND PROGRAMS

There are no specific policies or programs relating to wife abuse under the umbrella of the Health Department.

- The Mental Health Program has had some involvement on a region to region basis. This is not from a planned provincial program perspective but more on an interest basis at a team level. Many teams have identified an increase in the number of referrals to them indicating spousal abuse as a presenting problem. Many teams work closely with the Manitoba Committee on Wife Abuse (rural co-ordinators).

- The Mental Health Program has included assessment and counselling information on wife abuse in their orientation modules for new staff.

- There has been some intensive work done in Manitoba on elder abuse. An interdepartmental committee was set up and recommendations forwarded to the Minister of Health and the Attorney General in May of 1983. An information kit has been developed and sent to the clearinghouse for public education. As well an elderly abuse game has been developed. Inservices for continuing care staff working with the elderly have been and are being held in various regions throughout the province. A study on elder abuse was done in the Interlake Region in 1983.

- One of the local gerontologists has expressed an interest in developing some protocol for hospital/geriatric settings as well as possibly doing some research in the area of elderly female abuse.

HOSPITALS

The two teaching hospitals within the city of Winnipeg have begun some preliminary work in the area. A resident at Health Sciences Centre (HSC) who is also the President of the Board of the Manitoba Committee on Wife Abuse has developed a protocol for assessing and identifying victims of wife abuse in emergency or medical practice settings. A pilot project is now being carried out at HSC and Thompson General Hospital. As well she is trying to locate a small rural hospital that would be interested in participating in the pilot study. Once this is completed an information package will be developed. As well she has conducted inservices for other hospital personnel within the city. The St. Boniface Hospital began identifying the problem of spousal abuse in

December of 1981. A committee of emergency staff (nursing), social service, medicine and a lawyer participated. A protocol has been developed but placed on hold pending the results of the HSC project. Statistics gathered by the committee indicated approximately one case per week was identified in the emergency department but only 25-30% of these cases were referred to Social Service for counselling as the abused person did not wish to follow through with counselling.

Subsequently, inservices were given to the emergency department staff re different approaches that may foster more positive responses from the victims. Statistics indicated approximately 80% of the reported situations occurred after 5:00 p.m. on weekdays and on week ends. The victims were mostly young (18-20 years old). Male abuse was included in the survey. Two cases, to date, have been identified - both were homosexual relationships. A pamphlet was developed identifying community resources which is given to all suspected cases of wife abuse. A video tape for education purpose with health professionals was developed.

The remaining city hospitals and the rural hospitals have not developed protocols within their emergency departments. Staff will identify situations through assessment and history taking and referrals are made to community resources. There are no formal reporting mechanisms so it is difficult to approximate whether cases are missed or picked up.

CLINICS

There are a number of health clinics throughout the province both urban and rural. These clinics are almost entirely funded by the Department of Health through global budgeting. The Mount Carmel Clinic in Winnipeg is a medical clinic. They identify situations of family violence including wife abuse through the assessment process. Cases are then referred to the appropriate community resources. There are social workers on staff who provide counselling in-house as well as follow-up in private homes. There are no formal protocols or mechanisms for identifying the number of cases. The Director indicates a heightened awareness of the problem and therefore an increase in case identification as well as a probable increase in cases generally within society. The Klinic has an extensive program and protocol. Klinic staff work closely with the Manitoba Committee on Wife Abuse and provide counselling to batterers as well as the battered. Klinic also provides public education through conferences to and workshops to professionals (mostly social workers) via Continuing Education programs at the University of Manitoba.

The remaining health clinics throughout the city and province connect with the Rural Co-ordinator for the Manitoba Committee on Wife Abuse, the local transition houses and safe homes on a need by need bases. Formal protocols are not established.

AREAS NOT FUNDED BY THE PROVINCIAL DEPARTMENT OF HEALTH

WINNIPEG CITY HEALTH DEPARTMENT - MUNICIPAL - GOVERNMENT

The Public Health Nursing Program does not separate out wife abuse from family violence. The nurses working in the community pick up cases through assessment and refer to the appropriate community resources. The nurses have been closely connected with Osborne House Staff. They are given sessions during their orientation period on crisis intervention and child abuse. There is no formal mechanism for identifying cases of wife abuse.

OCCUPATIONAL HEALTH - DEPARTMENT OF ENVIRONMENT, WORKPLACE SAFETY AND HEALTH

Wife abuse is not singled out. Cases are picked up if workers seek out the nurse for assistance. The nurses take a course on employee assistance which addresses drug and alcohol abuse and their relationship with family breakdown. There are no protocols or mechanism for identifying situations of wife abuse.

SCHOOLS OF NURSING

Courses on wife abuse are not given to students - social and family violence are covered in a general way. The University program stresses assessment of the individual and family which includes social and psychological data as well as physical. Family relationships, communication and dynamics are assessed within this process. Referral to appropriate resources as well as health counselling would be interventions taught to Bachelor of Nursing students.

FACULTY OF MEDICINE

There are no specific courses on wife abuse or family violence within the faculty. Drug abuse and alcohol abuse elective courses are provided through psychiatry.

DEPARTMENT OF COMMUNITY SERVICES AND CORRECTIONS

LEGISLATION

The Financial Administration Act and the Social Services Administration Act are the two major pieces of legislation utilized by the Department to provide services to the victims of wife battering.

The Social Services Administration Act under Section 8(2) allows the Minister upon authorization of an Act of the Legislature and with the approval of the Lieutenant Governor in Council to provide grants to:

- any person, institution, foundation, association, society or other organization for the promotion, advancement, improvement, protection or security, in any way, of the welfare of residents of the province.

A. NON-GOVERNMENT ORGANIZATIONS

Community Services and Corrections provides funding for programs operated by non-profit agencies to provide services for battered women. The primary services include:

	1983-84 ESTIMATES
1. PROGRAM DEVELOPMENT/COORDINATION/PUBLIC EDUCATION	
- Manitoba Committee on Wife Abuse	$184,000
2. CRISIS INTERVENTION SERVICES	
- Thompson Crisis Centre	$ 75,000
- Parkland Women's Society	10,500
	$ 85,500
3. CRISIS SHELTERS	
Osborne House (Winnipeg)	
Westman Women's Shelter (Brandon)	
Nor Win House (Thompson)	
Aurora House (The Pas)	$ 20,000

- supplementary contigency grants
- most funding through social allowance and municipal welfare per diems.

B. GOVERNMENT SERVICES

CHILD AND FAMILY SERVICES

This service offers counselling and support to families in distress. It is delivered directly by the Department through regional offices in some parts of the province and through non-profit Children's Aid Societies in others.

MARRIAGE CONCILIATION SERVICE

This is a court-related service which provides family counselling and assessment. It is being integrated into a unified family court structure.

DEPARTMENT OF EMPLOYMENT SERVICES AND ECONOMIC SECURITY

WELFARE

Women in financial need can receive assistance from either the provincial Social Allowances Program or the Municipal Assistance Program. The Social Allowances Program is administered by the Department of Employment Services and Economic Security and is designed to provide long-term assistance to persons who meet the eligibility requirements established in The Social Allowances Act. The Municipal Assistance Program is administered by the individual municipalities in Manitoba and is designed to provided short-term or emergency assistance to persons who are not eligible for provincial social allowances.

ELIGIBILITY REQUIREMENTS

(a) SOCIAL ALLOWANCES PROGRAM

Recipients must meet both categorical and financial criteria in order to qualify for provincial social allowances.

The Social Allowances Act provides eligibility for assistance to the following categories of persons:

- persons with a mental or physical disability likely to last more than 90 days;

- elderly persons 65 years of age or over;

- mothers who have dependent children and who are either widowed, divorced, unmarried (and never been married), separated or deserted from their legal or common-law husbands for more than 90 days, or married to men who have been sentenced to prison for 90 days or more.

- persons who are taking undergraduate academic or technical vocational training;

- persons who reside in the Unorganized Territories of Manitoba where a municipal level of government does not exist.

As a result of the above categorical eligibility requirements, most battered women must apply to their local municipality for assistance.

Financial need for the Social Allowances Program is established if the cost of basic necessities for an applicant and her dependents exceeds the financial resources available to her. In the calculation of financial resources, certain assets and income are exempted such as liquid assets of up to $400 per person to a maximum of $2,000 per family, essential personal property, equity in the home where the person lives, family allowance payments, and a certain proportion of earned income.

(b) MUNICIPAL ASSISTANCE

In accordance with The Social Allowances Act and The Municipal Act, the individual municipalities establish their own by-laws governing the rules and regulations of their assistance program. As a result, there is some variability in the municipal assistance programs with respect to eligibility criteria, rates of assistance and forms of assistance. The following description of eligibility requirements will therefore refer to the City of Winnipeg's assistance program which handles approximately 80% of the municipal assistance cases in Manitoba.

The City of Winnipeg provides assistance to persons in need who are ineligible for provincial social allowances and who reside in, or are found within, the City's boundaries. When determining the financial eligibility of battered women, the City takes into account only cash on hand and available savings of the women if they have left the abusing spouse. If the woman has not left her spouse, the financial resources of the family must be taken into account.

All available financial resources are expected to be used for current maintenance. Any assistance provided is liened against the recipient's name or property. However, a recipient or former recipient may apply to have the lien discharged.

The Province of Manitoba cost-shares both financial assistance and welfare services expenditures with the municipalities. For financial assistance expenditures on behalf of persons who are considered to be the responsibility of that municipality (i.e., area residents), municipalities are reimbursed the greater of 40% of gross assistance payments or 80% of gross assistance less one mill of the equalized assessment of the municipality. Municipalities are also reimbursed 100% for assistance provided to non-area residents and 50% for welfare administration expenses.

EMERGENCY INCOME

Due to the two-tier system of social assistance in Manitoba, emergency assistance is provided primarily by the municipalities. The City of Winnipeg will assist battered women who have insufficient financial resources available to meet their needs. Assistance may be provided to working women until they receive their next pay cheque.

Both the Social Allowances Program and the City of Winnipeg provide assistance for negotiated per diem payments of Crisis Shelters to battered women who meet the categorical and financial eligibility requirements of their respective programs. The Social Allowances Program also provides assistance to eligible recipients for negotiated per diem payments of safe homes.

IMMIGRANT WOMEN

Both the Social Allowances Program and the City of Winnipeg will provide assistance to immigrant women with active sponsorships if they meet the categorical and financial eligibility requirements of their respective programs and if the sponsor is unable or unwilling to provide the needed assistance.

NATIVE WOMEN

Both the Social Allowances Program and the City of Winnipeg will provide assistance to women with Treaty Indian status who are living off the reserve if they meet the categorical and financial eligibility requirements of their respective programs. Both programs bill the Federal Government for assistance provided to women considered to be under Federal jurisdiction (e.g., women who have been living off the reserve for less than one year).

DEPARTMENT OF HOUSING

The main components of assistance provided to date:

(1) Acquisition and Rehabilitation of existing residential structures identified by operators, using 100% provincial financing.

(2) Rent-free occupation of these structures by operators of "Crisis Shelter Services", the terms of this occupancy defined in an Occupancy Agreement (model attached).

(3) Further to (2) provision of an annual operating subsidy to cover "building operations" costs (e.g., utilities, maintenance, taxes, insurance).

This assistance is provided pursuant to Sections 2 and 8(3) of the Housing and Renewal Corporation Act being Chapter H160 R.S.M.

Specific examples of this approach are:

A. Osborne House, 54 Balmoral, Winnipeg.

Acquisition	$ 83,737
Rehab./Develop-Cost	32,051
	$115,788

Occupancy by operators (YWCA) = 1980
Annual operating Subsidy = av. $11,000

B. Aurora House, The Pas

Acquisition	$ 50,000
Rehab.	74,800
	$124,800

Occupancy (The Pas Committee for Women in Crisis, Inc.) = Dec. 15/83, 21 spaces.

Annual Subsidy = est. @ $18,000, first year, (inclusive of $5,000 exterior painting cost).

C. Westman Women's Shelter, Brandon

Acquisition	$ 37,000
Est. Rehab.	50,000
	$ 87,000

Occupancy (YWCA) = recent possession by MHRC. Rehab. to commence in immediate future. 15 spaces.

Est. Subsidy = $10,000

The above approach is advantageous to the operators in that Annual Operating Budgets are in effect exclusive of shelter (housing) costs.

If the Crisis Shelter approach were to be continued (as opposed to the Safe-House option, for example) there are a number of issues to be considered:

(1) Should the operator group as an incorporated Non-Profit apply directly to the Canada Mortgage and Housing Corporation for mortgage financing under Sec. 56.1 (Non-Profit Hsg.) of the National Housing Act? This would allow for an effective 2% mortgage interest rate. Advantage would be local ownership. This disadvantage would be the inclusion of shelter costs in the operating budget. These costs could however be passed through to provincial depts, e.g., Dept. of C.S. through a global budget, or Dept. of ES & ES through per diems or could continue to be provided by the Department of Housing through some modicum of operating subsidies.

Use of Sec. 56.1 has been a major factor in other provinces.

(2) Should, instead, the Province through the Dept. of Housing (MHRC) access the Sec. 56.1 funds under the Provincial Public Non-Profit Program? Development under this vehicle would allow the Province to finance developmental costs @ 2% as opposed to prevailing Provincial borrowing rate. The affect to the operator would be status-quo, i.e., Province would still be amortizing the mortgage and could still provide bldg. operations subsidies. The fiscal advantage to the Province of using CMHC money would be substantial.

(3) A Cost/Benefit analysis of using 56.1 program would have to be undertaken in terms of whether complying with Federal requirements (rehab. specifications, project feasibility criteria, etc.), would be too "cumbersome" as compared to unilateral provincial action.

It would certainly be advisable to get some feedback from the Provinces/shelter operators who have used the 56.1 route.

2ND STAGE HOUSING

There has been no direct provincial involvement in 2nd stage housing other than "ad hoc" access by households to public housing units.

There are two major policy considerations which must be faced:

(1) Should such housing be developed along a "segregated, homogeneous" model where a specific-built project is sponsored and managed by a non-profit group (e.g. Hope Centre)? In this case 2nd stage housing would be "sheltered and insular".

(2) Should 2nd stage housing be more a system of finding households appropriate housing within existing public or private units, while assuring the flow of financial, social, psychological, security services. The affect would be immediate re-integration into the mainstream.

It could be proven that option (2) would be easier to finance in the sense that an operator of a 2nd stage service would not have to ensure the ongoing viability (rental income, bldg. operations costs) of a rental hsg. project. This opinion, however, may be outweighted by considerations relating to most efficient ways to deliver support services or of guaranteeing a secure environment. Option 2 would not work where the rental market is tight or does not exist.

There is however a hybrid possibility whereby a module or cluster of units within a larger social housing project (public, non-profit or co-op) could be designated for 2nd stage. The service operators would be responsible for software programs and leave the property management site to the owner (e.g., MHRC, Hsg. Authority, NP sponsor) of the units.

In sum there is a spectrum of policy and administrative issues which would have to be closely analyzed in order to set the course for a 2nd stage housing service.

THE MANITOBA COMMITTEE ON WIFE ABUSE

The Manitoba Committee on Wife Abuse, as it exists in 1983 as a semi-private social agency, is the culmination of the efforts of many people over a considerable length of time. What follows is an overview of some of the events and processes which led to its conception, birth, and infancy.

A history of service to battered women in Manitoba has to start with the beginning of Osborne House. The Winnipeg Y.W.C.A. began its program of crisis housing for battered women and their children in 1974 with funding from the Secretary of State Summer Employment Program for students. Initially, Osborne House was operated from Hargrave House, a residence for single women who lived in a light-housekeeping type of arrangement. A bed in a dorm and breakfast were offered. The women were expected to go out for their other meals. For those with no funds, and that proved to be most of them, meal tickets for redemption at the Webb Place cafeteria were given. The housing was for very short term -- three days. In September 1974 the project relocated to the Y.W.C.A. It proved unsatisfactory to all; children in small rooms with no play areas; disgruntlement of single girls living in the residence; women having to use the public cafeteria where their battered conditions were evident to all. Funding expired, and it was agreed the project needed its own premises to function effectively.

Having verified the need, the Y.W.C.A. negotiated a rent-free house in November of 1974 from the City of Winnipeg. Thus Osborne House came into being. Small grants from the United Way and L.I.P. for workers kept the place going. The house was small, and with a maximum capacity of ten, more clients had to be refused than could be accepted.

Meanwhile a search continued for more suitable quarters and a large house at 73 Hargrave Street was found. This dwelling was initially capable of housing thirty persons plus a "live-in house mother". The Winnipeg Foundation underwrote the rent for a twenty month period, May 1st, 1977 to December 31st, 1978. Many community groups and individuals donated furnishings or money to purchase those items needed. Through a Canada Works Grant two para-professionals were hired in July 1977 for a twelve month term. They were classified "transition workers". The next urgent need that emerged was for a child care worker, and this was built into the 1978 budget. A four month grant enabled the beginning of the program.

The history continued with difficulties in meeting city standards in the house, and the need to seek alternate accommodations and funding. In January of 1979 the Board of Directors at the Y.W.C.A. announced their decision to close Osborne House on the expiry of the lease. At no time was there a question as to the need of the service, the decision was made purely on the basis of the serious overall financial situation facing the Winnipeg Y.W. In March, the Minister of Health and Community Services announced that the Provincial Government would see that the service continued. Subsequently a house at 54 Balmoral Street was purchased by the Manitoba Housing and Renewal Corporation in June of 1979. In August of 1979 both Provincial and City Welfare agreed to increase the length of stay to a maximum of ten days and pay a $15.00 per diem for each woman and child. With the licence to operate at 54 Balmoral the service recommenced in December of 1979.

For years, Osborne House has been the only place available and space is limited. The ten day time restriction can on occasion be unrealistic, but most important there is no available transition house for these families where they could live for several months. Osborne House has had the capacity to hire very few staff and limited funding restricts the qualification for people who are providing crisis counselling. Staff burnout was an ongoing problem. Staff and/or volunteers were not always able to escort clients to appointments and the women faced new frightening situations alone and without an advocate. Some of those problems have certainly been addressed since the establishment of the Manitoba Committee on Wife Abuse.

While Osborne House was going through its growing pains, a movement began in the larger service community in response to the expanding need for professional concern and public awareness. In September of 1977 the Winnipeg Committee For Battered Women emerged. It included representatives from City Police, Legal Aid, Family Services, Community Services and Corrections, Osborne House and other agencies. It took as its mandate the promotion of Public Education on the issue, dissemination of information on services, and lobbying on behalf of the crisis shelter. In Autumn of 1980 the committee became C.A.V.I.F. -- Committee Against Violence In The Family. C.A.V.I.F. was successful in its application for funds from Federal Government thus established a special project on public education. The project ran from January 1981 to December 1981. There was a project coordinator and three staff. The funding was from Community Development Projects of Employment and Immigration Canada. This group worked on the production of a kit or package for use in public education on domestic violence. It included posters, facilitors' manual, overhead transparencies, questionnaires, etc. Two films "Loved, Honoured, and Bruised" and "Battered Women: Violence Behind Closed Doors" were used in the presentation in 1981 and 1982. The first of these films were based on the experiences of a woman at Osborne House in

Winnipeg (National Film Board 1978). In the period of January to May 1981 the C.A.V.I.F. project coordinator Toni Nelson and her staff spoke to twenty-eight groups representing several hundred people. There were appearances on C.B.C. radio, production of a brief program on Public Education Television, and numerous speaking engagements at church groups, schools, women's clubs, etc. The C.A.V.I.F. project people gave presentations to the officers in training at the Winnipeg Police Academy. In July of 1981 C.A.V.I.F. presented the public education package at the National Conference of the Canadian Congress on Prevention of Crime. C.A.V.I.F. has continued to exist as a resource for the production of public education materials but as of early 1982 much of the volunteer personnel devoted their energies to the then emerging Manitoba Committee on Wife Abuse.

Meanwhile in April of 1981 Children's Home of Winnipeg received a Canada Community Services grant to provide three workers to do follow-up and ongoing supportive counselling with clients of Osborne House. The two agencies cooperated to identify those families most "at risk" and vulnerable when leaving the crisis shelter. The follow-up workers also coordinated weekly groups for clients.

Meanwhile the Canadian Association of Social Workers had established in early 1981 a National Task Force on domestic violence. The Manitoba Association of Social Workers had two representatives on the National Committee. In February, 1981 the Manitoba Committee commenced its work towards the National Policy statement. At the November 1981 meeting Kim Clare, a Manitoba representative, reported that she was acting as consultant to a steering committee representing approximately twelve local agencies whose mandate it was to initiate a conference on Domestic Violence. It was hoped this event would occur in March or April 1982 and would provide an opportunity, not only for an educational forum, but also to establish a Province-wide coordinating body providing direction for future social action and service. From

September 1981 to April 1982 Kim supervised three Social Work students placed at Osborne House for field practice experience. Three other students were on the Family Violence project as part of their Social Work training requirements. This group was called the Community Social Work collective, an independent agency of the University of Manitoba School of Social Work. The three students of the Collective contracted with Children's Home to work on three tasks:

(1) to survey agencies throughout Manitoba to determine their impressions of the extent of causes of, and need for services to abused women;

(2) to plan and put on the Conference on Wife Abuse referred to above; and

(3) to explore the possibility of beginning a support group for abusive men.

Their research report entitled, "Wife Abuse: A Survey of Agency Opinions and Services in Manitoba" was a very complete and professional effort. The planning committee referred to earlier of interested representatives of community groups and agencies organized the Conference "Wife Abuse the Silent Crisis" which was held March 25th and 26th, 1982 in Winnipeg. The Province gathered to share concerns, to assess the needs and to make recommendations for further action. It was a stimulating event involving two hundred participants from across Manitoba. They represented diverse interests -- Social Workers, Police, Medical Profession, Lawyers, Native People, etc. Flora McLeod, policy planning consultant, United Way of Lower Mainland, Vancouver, and Dr. Susan Painter, National Clearing House and Family Violence, Ottawa, were key speakers. The Conference delegates gave authority to a follow-up committee to act on the recommendations generated at the Conference workshop.

This Committee, together with Children's Home, prepared a proposal and applied for funding to further the work for abused women. The organizational work continued and the Manitoba Committee on Wife Abuse held its first annual meeting on October 25th, 1982. At that meeting bylaws were approved and a Board of Directors elected. On November 19th, 1982 Len Evans, Minister of Community Services and Corrections for Manitoba announced at a press conference the Province's willingness to cost share with the Federal Government to provide a province-wide toll-free crisis line, seven staff to work with Manitoba Committee on Wife Abuse, Administrative office, and travel expenses. The Manitoba Committee on Wife Abuse entered into agreement with Children's Home to help support the work by providing their consultative and accounting services until such time as the committee could become completely independent. In January of 1983 seven staff and a secretary were at work on the newly leased office space on the 4th floor of 777 Portage Avenue. On June 13th, 1983 the Annual Meeting of the Manitoba Committee on Wife Abuse took place. At that time the Board and staff were able to report to the larger group on the enormous growth and blossoming success of the Manitoba Committee on Wife Abuse.

PHILOSOPHY

Manitoba Committee on Wife Abuse believes that every person has the right to live in a non-violent environment. Violence that does arise in a relationship, whether it be husband and wife or parent and child, is directly based on an unequal distribution of power. Violence is one form of demonstrating power over another person.

In the case of husbands who physically abuse their wives, the power differential has historical antecedents that is founded upon a socio-economic structure supporting male dominance. This structure has and continues to pervade all major societal institutions, including religious, educational, political, legal, economic and familial.

Manitoba Committee on Wife Abuse believes that to directly address the issue of wife abuse the societal institutions must undergo concomitant changes in order to eliminate violence in the family.

Violence in the family affects all family members irregardless of whether they are direct recipients of the abuse. To effectively intervene in a violent home and in the intergenerational cycle of violence, the Manitoba Committee on Wife Abuse supports the treatment of all members in the family.

Under our present legal system wife assault constitutes a criminal act. The Manitoba Committee on Wife Abuse believes that legal intervention and, where possible, court-ordered treatment for the offender are effective in remediating violence.

The Manitoba Committee on Wife Abuse considers family violence a concern of all members of our society. It extracts a tremendous personal, social and economic toll that diminishes our quality of life and threatens our humanity.

MANITOBA COMMITTEE ON WIFE ABUSE

A. EDUCATION:

MASS MEDIA: all radio, t.v., press.

- Interviews
- Documentary
- Public Service Announcements
- Advertisements
- School Curriculum Initiatives

WORKSHOPS: Women's Groups, Businesses, Professional, Police/Legal, Church, Universities and Schools.

TRAINING:	Volunteer Public Speaking Course.

B. VOLUNTEER/ADVOCACY

VOLUNTEER TRAINING:	70 hour training program.
ADVOCACY TRAINING:	12 hour intensive training program.
CRISIS LINE OPERATION:	In-watt toll-free and local.
CLINICAL SUPERVISION:	Of all advocates.

C. RURAL DEVELOPMENT

Development of - Safe-homes
- Local community organizations
- Rural educational workshops.

D. FAMILY SUPPORT WORKERS

Follow-up to women and children having been in Osborne House offering advocacy, support, counselling and referral.

E. NATIVE LIAISON

Making and maintaining contact with Native agencies/organizations/individuals.

Offering services of the Manitoba Committee on Wife Abuse as a resource to Native agencies, etc.

Conducting workshops on the Native Perspective relating to domestic violence throughout Committee and other agencies both native and non-native.

F. LIAISON AND NETWORKING WITH ALL SYSTEMS

Legal - Police, crown, courts.
Medical - Hospitals and service providers.
Educational - Teachers (School presentations and conferences).
Political - (See below).
Social Service - All agencies in keeping with appropriate referrals.

G. SOCIAL ACTION

Initiating and encouraging reform:

1. Funding Proposals - shelters
   - social allowance policy related to compensation for safe-home operators.

2. Law - Onus on police to lay charges.

3. Domestic Violence Court.

8. SASKATCHEWAN REPORT ON EXISTING POLICY, PROGRAM, AND LEGISLATIVE RESPONSE TO WIFE BATTERING

PROVINCE OF SASKATCHEWAN

SOCIAL SERVICES

LEGISLATION

The Department of Social Services Act and the Saskatchewan Assistance Act are the two major pieces of legislation used by the department to provide services to victims of wife battering.

The Department of Social Services Act under Section 8 allows the department to provide grants to:

(a) "any agency, organization, association or institution providing programs or services for the benefit of Saskatchewan;

(b) any person, agency, organization, association or institution to assist in the research, development, expansion or maintenance of services that have as their purpose the furthering of the welfare of persons in Saskatchewan".

The Saskatchewan Assistance Act allows the department to "make provision for assistance to any person in need to such extent and subject to such conditions as may be prescribe in the regulations".

PROGRAMS/SERVICES

A. NON-GOVERNMENT ORGANIZATIONS

Social Services provides funding for programs operated by non-profit corporations to provide services to battered women.

The primary services include:

	1983-84 ESTIMATES
1. Crisis Intervention Services	$ 868,420
- Mobile Crisis Services Regina	
- Saskatoon Crisis Intervention Services	
- Prince Albert Mobile Crisis Cooperative	
2. Transition Houses	$1,286,260
- Regina Transition Women's Society	
- Saskatoon Interval House	
- Regina Native Women's Association - Residential Resource Centre	
- Association of West Central Native Women - (P.A. Interval House)	
- Battlefords Interval House	
- Moose Jaw Women's Transition Association	
- Lloydminster Interval House *	
3. Second Stage Housing	$ 70,956
- Y.W.C.A. Crisis Housing - Regina	
4. Sexual Assault Centres	$ 133,580
- Regina Women's Centre & Sexual Assault Line	
- Saskatoon Sexual Assault & Information Centre Inc.	
- Battlefords and Area Rape Crisis Centre, Inc.	

* Funded by the Alberta government - Saskatchewan Assistance Plan pays a fee-for-service for Saskatchewan residents.

In addition to these primary services the department provides funding to a number of agencies that offer counselling and family support services. The total paid to these services is $1,584,015. These are listed in Appendix A.

B. SASKATCHEWAN ASSISTANCE PLAN

Many women who choose to go to a transition house and/or separate from their spouse because of battering have no means of financially supporting themselves. The Saskatchewan Assistance Plan provides this financial support. Presently there is no method in place to determine the number of women that come onto S.A.P. because of abuse. Therefore, it is not possible to identify the financial implications.

C. UNIFIED FAMILY COURT

The Unified Family Court, located in Saskatoon, is operated jointly by the Departments of Justice and Social Services. It has jurisdiction over all family matters. It provides coordinated legal and support services to families in which marital breakdown has occurred or may be occurring. Staff of the Department of Social Services are responsible for providing conciliation and mediation services to the Court on child custody matters and community education programs on separation, divorce and custody issues.

A. PRIMARY SERVICES TO VICTIMS OF WIFE BATTERING

1. TRANSITION HOUSES

Regina Native Women's Association
Residential Resource Centre
Regina Transition Women's Society
Moose Jaw Women's Transition Association
Saskatoon Interval House
Battlefords Interval House
The Association of West Central Native Women Inc.
(Prince Albert Interval House)

2. SECOND-STAGE HOUSING

Y.W.C.A. - Crisis Housing

3. CRISIS INTERVENTION SERVICES

Mobile Crisis Services, Inc. - Regina
Saskatoon Crisis Intervention Services Inc.
Prince Albert Mobile Crisis Unit Co-op Limited

4. SEXUAL ASSAULT CENTRES

Regina Women's Centre & Sexual Assault Line
Saskatoon Sexual Assault & Information Centre Inc.
Battlefords & Area Rape Crisis Centre, Inc.

* Not funded by Department of Social Services.

B. SECONDARY SERVICES TO VICTIMS OF WIFE BATTERING

1. COUNSELLING SERVICES

(Social Workers and Family Workers)

Catholic Family Services Society - Regina
Family Services Bureau of Regina
Regina Native Women's Association (Community Centre)
Regina Friendship Centre
Lestock Women's Centre Inc.
Yorkton Friendship Centre
SIGN - Yorkton
Minto Family Life Education Centre - Moose Jaw
Maple Creek Community Centre Society
Metis Society of Saskatoon - Local II
Saskatoon Indian & Metis Friendship Centre
Catholic Family Services of Saskatoon
Saskatoon Family Service Bureau
Humboldt & District #44 Home Care Program Inc. (Family Counselling Program)
Battlefords Indian Metis Friendship Centre
North West Friendship Centre - Meadow Lake
Native Coordinating Council - Prince Albert
Indian-Metis Friendship Centre of Prince Alberta Corp.
Neginuk Friendship Centre - LaRonge
Uranium City Native Friendship Centre
Pathfinders Counselling Services *

* Not funded by Department of Social Services.

2. SERVICES TO CHILDREN

SCEP Centre Society
Saskatoon Society for the Protection of Children
Saskatoon Crisis Nursery

3. BUDGET AND FINANCIAL COUNSELLING

Welfare Rights Centre - Regina
Moose Jaw Community Action Society
Saskatoon Self-Help Council Inc.
Prince Albert & District Community Service Centre, Inc.
(Consumer & Family Finance Program)

4. OTHER

John Howard Society of Saskatchewan *
Regina, Prince Albert, Saskatoon, Moose Jaw
Native Alcohol Counselling Program *
Regina, Prince Albert, Saskatoon
Salvation Army*
Saskatchewan Association on Human Rights *
Contemporary Women's Program - Regina

* Not funded by Department of Social Services.

JUSTICE

LEGISLATION

Within the framework of federal responsibility for criminal law, the province, through the Minister of Justice, is constitutionally responsible for the "administration of justice" in Saskatchewan.

POLICIES

A. POLICE PRACTICES

All Chiefs of Police of municipal police forces and the R.C.M.P. were requested recently by the Minister of Justice to respond actively to cases of family violence. Specifically, the Attorney General directed police to lay charges wherever there is evidence which in any other case would result in charges being laid. The police have also been directed to lay charges rather than place this responsibility on the victim. The Attorney General has also indicated there is no justification in requiring the victim to swear the information.

B. PROSECUTIONS

All crown prosecutors have been advised by the Attorney General not to withdraw charges of wife battering except in very unusual circumstances. Reluctance on the part of the victim to testify, or the prospect of reconciliation, are not by themselves to be taken as sufficient cause for withdrawal of charges.

Crown prosecutors have also been instructed to press for sentences before the courts which reflect society's abhorrence of the crime.

C. COURTS

Presently, the vast majority of wife battering charges are dealt with in criminal court. This holds true even in Saskatoon where a Unified Family Court system is also available.

D. CORRECTIONS

There are currently no specialized corrections programs for batterers. Batterers are sentenced to the regular corrections programs, including probation and incarceration in provincial correctional centres.

E. LEGAL AID

The Saskatchewan Legal Assistance Program provides services to those accused of domestic violence who cannot afford to retain their own legal counsel. The interests of the battered are represented in the court process by crown attorneys. In addition, Legal Aid will provide assistance to victims in separation, divorce, custody and maintenance matters. Although counsel will be provided on how to obtain a peace bond, representation will not be provided generally.

F. RESEARCH AND STATISTICS

The Department of Justice has begun to institute a variety of mechanisms for monitoring police and prosecutorial involvement in wife battering cases.

HEALTH

LEGISLATION

The Mental Health Act

PROGRAMS/SERVICES

A. TREATMENT AND COUNSELLING

Professional staff (primarily psychiatrists, psychologists, and social workers) in the Department of Health's Psychiatric Services Branch provide assessment, diagnosis and counselling services on request in all regions of the province.

POINTS OF ENTRY

NON-VOLUNTARY CONTACT

(1) Under section 24.1 of the Mental Health Act where a person has laid an information causing another person to be brought for psychiatric assessment.

(2) Individuals are charged and referred under section 23 of the Mental Health Act.

(3) Individuals are brought for assessment/treatment under remand of the criminal code.

VOLUNTARY CONTACT

(1) Individuals are referred for treatment and counselling from other agencies (in areas where crisis intervention and transition house programs operate these become major referral sources).

(2) Self-referrals (often the presenting problem is other than that of battering due to many difficulties associated with discovery and reporting procedures).

Precise estimates of volumes of service are not available (data processing information is not currently aggregated on this basis). More voluntary than non-voluntary contact would be the rule. The greatest source of referrals would be the crisis intervention providers including police agencies.

Treatment programs for batterers are offered on an individual basis but lack of specialization (numbers of clients and limited staffing) has prevented the creation of the full scale group programs which are the preferred treatment modality.

B. EDUCATION

Staff in the Psychiatric Services Branch have been involved in numerous public and educational sessions on the topic of wife battering. In addition, staff have provided specialized instructional expertise to the RCMP training program in Depot Division for the past 12 years, as well as trainers' programs for police training in the area of wife battering at the Canadian Police College in Ottawa.

C. HOSPITAL PROTOCOLS

The Department of Health is not currently involved in establishing guidelines or protocols regarding wife battering for staff in provincial hospitals. This is considered to be the responsibility of individual hospital boards.

With one exception, the department is not aware of any policies or protocols presently in use in Saskatchewan hospitals to deal with this problem. The one exception relates to the Region General Hospital where a special project has been in operation since November, 1982 to review spousal battering cases coming to the attention of the hospital. The project includes:

- a review of the literature;
- working with emergency staff to raise awareness re: wife battering;
- a review of all adult emergency cases and coding of information based on medical and social diagnosis, age, sex, etc., and;
- analysis of data.

Analysis of data has not yet taken place. However, a proposal has been made to the federal and provincial governments to continue the project. This second phase of the project would involve the establishment of an advisory committee comprising officials from the justice area, other hospital officials, and representatives from appropriate community groups to discuss and recommend hospital protocols and policies for the handling of spousal battering. These recommendations would be brought forward to the Regina General Hospital Board for its approval, but could also provide a model for other hospitals.

EDUCATION

PROGRAMS/SERVICES

SCHOOL CURRICULUM

Family related studies receive an emphasis within the total school program and appear as components or portions of both compulsory and optional courses of study. Potentially controversial topics related to family life education are offered either as optional units within a compulsory subject or as elective subjects. Typically, non-controversial topics are offered as compulsory components, although even in such situations decisions are made at the local level regarding emphasis and methodology.

Major emphasis on family life education is provided in Division I and II Health courses where an optional unit is provided at each grade level. The Division III Health course is presently being revised and it will also include a family life unit.

Family life courses are designed to be taught with the knowledge and support of parents since the latter are responsible for providing their children with guidance and moral direction. The school program is intended to compliment information given in the home, support parents, and reinforce family values while ensuring that all children have access to accurate information to assist them with problems facing them in their growing years. There are suggested procedures which accompany the outline of family life and sex education teaching in Division I and II Health which represent the department's concern that any instruction in the potentially controversial areas is designed to be appropriate at the local level.

In Division IV, attention is given to family life in a variety of programs but most notably as a separate study at the senior level in Family Life 30 which is an optional half-credit class. Here, as at lower grade levels, efforts are made to inform and obtain local approval prior to offering instruction.

Instructional materials are selected, evaluated, and "authorized" or "recommended" as a part of the course development by committees. Significantly, some books are designated as authorized textbooks while others are listed as suggested references either for teachers, or students, or both.

While the textbook or authorized material is judged appropriately as a major instructional tool, suggested resource material lists are provided only as references to be used when and where appropriate. The use of these suggested resource materials is a local decision.

ADVANCED EDUCATION & MANPOWER

PROGRAMS/SERVICES

ADULT EDUCATION

The curriculum for the Adult Basic Education Program offered by community colleges across the province includes an optional component related specifically to family violence i.e., wife battering and child abuse. The intent is to offer participants the opportunity to examine family violence recognizing that many of them may have come from battering homes and/or may still be in abusive situations.

9. ALBERTA REPORT ON EXISTING POLICY, PROGRAM, AND LEGISLATIVE RESPONSES TO WIFE BATTERING

PROVINCE OF ALBERTA

I. CRIMINAL JUSTICE SYSTEM

COURTS - FAMILY VS. CRIMINAL VS. UNIFIED

Alberta does not have a unified family court. The majority of wife battering cases in the Province are dealt with in Provincial Court, although some simple assault cases are transferred from the Provincial Court to the Family Court in Calgary and Edmonton.

COURT ORDERS/PEACE BONDS

Although there are no precise statistics, peace bonds are rarely utilized. There are no general instructions or policy directives regarding peace bonds. Local prosecutorial offices act on complaints made by persons who fear personal injury, with the final decision being left to prosecutorial discretion.

CONDITIONS OF PROBATION

There is no general instruction or policy directive issued to the prosecutors in Alberta regarding probation conditions. Three conditions are most frequently used on probation orders in wife battering cases:

1. not to associate with or have any contact with the spouse;
2. refrain from abusing the spouse; and
3. seek counselling or treatment as directed by the probation officer.

There are no statistics regarding the number of probation orders issued nor their conditions.

FAMILY LAW - MATRIMONIAL HOME

Pertinent legislation in Alberta is the Divorce Act under which an application can be made to the Court of Queen's Bench for a restraining order which would have, as one of the conditions, removal of the individual from the matrimonial home. Peace bonds issued pursuant to section 745 of the Criminal Code could include a condition removing an individual from the matrimonial home. There is no information regarding the frequency of the issuance of either order.

PROGRAMS FOR BATTERERS

There are no programs in any of Alberta's correctional centres designed exclusively for batterers or for dealing with family violence *per se*. Some centres provide life skills and addiction programs, both of which address the issue of family violence. Some inmates serve part of their sentence at the Alberta Hospital Forensic Unit and participate in programs on violence at this facility. Others are required to attend the Alberta Hospital's Out-Patient Clinic in Edmonton (Forensic Assessment and Community Services) as a condition of early release.

LEGAL AID FOR VICTIMS

The Alberta Legal Aid Plan is available to all persons requiring legal assistance in the Province if they fulfill the needed requirements. Although no statistics are available, Legal Aid routinely provides legal assistance for restraining orders and divorce cases.

ROLE OF THE PROSECUTOR

Prosecutors generally handle cases of family violence in the same manner as any other criminal case. The guiding principle for bringing such matters to court is the availability and sufficiency of evidence.

In most cases the prosecutors must insist that the victims testify at the trial. There is no data documenting the number of cases which are not followed up by the Crown after the charge has been laid.

SENTENCING PATTERNS

There is no available data regarding the number of charges for wife battering, the number that go to court, or the sentencing patterns of those that do go to court. It is estimated that 4% of the cases under probation supervision in Alberta are for convictions related to spousal assault.

RESEARCH ON JUSTICE SYSTEM RESPONSE

No research is currently underway within the government concerning the justice system response to wife battering. A committee established by the Department of the Attorney General is currently considering the Report of the Task Force on Victims of Crime. A subcommittee of the Alberta Bar Association has been examining the legal responses to domestic violence and expects to report its findings in 1984.

RULES OF EVIDENCE

Rules of evidence are governed by the provisions of both Evidence Acts and common law. Spousal competency and compellability apply for wife battering cases.

REVOCATION OF PROBATION

Clients under supervision for a wife battering offence are treated no differently than other clients with respect to breaches. There is evidence to suggest that some spouses are reluctant to report violations and that, therefore, breaches are sometimes not filed.

BAIL

In appropriate cases, conditions are inserted in the bail order prohibiting the accused from contacting the victim and at times removing the accused from the matrimonial home. However, there is no data regarding the frequency of issuing such conditions.

PUBLIC EDUCATION

The criminal justice system has not been engaged in any public education except for Student Legal Services at the University of Alberta which produced a pamphlet on wife battering.

POLICE POLICY

There is no uniform police response to instances of wife battering which can be identified as a uniform Alberta policy. Nor is there a uniform "policy manual" which outlines a basic standard of procedures for Alberta's police forces. In an exchange of correspondence in December 1982, the Attorney General's Department agreed with the Royal Canadian Mounted Police regarding the policy of the police regularly laying charges in instances of wife beating. But it suggested that some discretion should be given to investigating officers to have the complainant lay her own charge in certain situations, such as those where charges have been laid on earlier occasions and the complainant has sought the withdrawal of charges or has failed to appear for trial.

Some police departments have adopted their own policies to deal with domestic assault. In November 1982 the Calgary Police Service adopted a policy which altered significantly the way its officers deal with domestic disputes. As opposed to the earlier procedure of directing common assault victims to lay a private information, the new policy directs officers to initiate charges themselves.

POLICE TRAINING

Most police officers now serving in Alberta have received some form of basic recruit training on the topic of wife battering or, more commonly, family violence. After recruit training, domestic disturbances are covered further in in-service training. It should be noted, however, that the training standard enforced is not uniform throughout Alberta.

Police officers are generally informed of services available to victims of abuse and willingly dispense such information. However, the lack of resources sometimes limits officers' referral options.

POLICE STATISTICS

All jurisdictions keep operational records of all occurrences of family disputes, but these are not readily converted to statistics for research purposes. The UCR (Statistics Canada Uniform Crime Reporting) system of data collection does not require a category separate from assault, so specific statistics are not available. The Police Departments in Edmonton and Calgary are developing computerized systems that will allow identification of wife battering statistics, perhaps within one year.

VICTIM ADVOCACY PROGRAMS

The Edmonton Police Department has a Victim Advocacy Program, and the Calgary Police Service has a Victim Services Unit, comprised of 40 volunteers who provide advice and information to victims.

CRISIS INTERVENTION UNIT

Both the Edmonton and Calgary Police Departments have Crisis Intervention Units. Staff in these units respond to police requests for assistance and advice. The Calgary Crisis Intervention Unit is comprised of five people, two of whom are social workers. The Edmonton Crisis Intervention and Child Abuse Unit consists of seven investigators.

II. HEALTH

RESPONSE OF FAMILY PHYSICIANS AND HEALTH PROFESSIONALS

With regard to formal education, the topic of wife battering is not specifically addressed in either of Alberta's two universities' curricula for medical students. For nurses, family violence is addressed through the seminar approach.

As for professional education, none of the six major professional associations provides specific family violence education. The University of Alberta sponsored a two-day workshop for professionals in November 1983 and the University of Calgary, Continuing Education, will sponsor an Emergency Nursing Symposium in February 1984 to address the identification of non-accidental injury in women seen in the emergency department. Only approximately one-third of the major hospitals with emergency departments in the Province have had in-service programs for staff on wife battering. Approximately one-fifth of the health authorities in the Province have provided in-service on wife battering. Neither district health nurses nor occupational health nurses has received in-service education.

PROFESSIONAL PROTOCOLS

Of the major health professional associations, only the Alberta Association of Social Workers and the Alberta Association of Social Work Administrators in Health Care Facilities have contributed to the development of wife abuse protocols which have been adopted by their respective Canadian associations. In addition, several local health authorities have developed specific protocols for wife battering.

HOSPITAL PROCEDURES/EMERGENCY ROOM RESPONSES

None of the 15 largest acute care hospitals in Alberta has developed specific protocols for wife battering. Hospital emergencies with on-site casualty officers, psychiatric teams, or social workers provide immediate assessment, crisis intervention, and resource linkage with shelters or police if acceptable to the women. The quality of such service varies according to the policy of the hospital and available resources.

TREATMENT PROGRAMS FOR VICTIMS AND OFFENDERS

Three health care settings provide specific programs for victims and/or offenders. The Forensic Unit at Alberta Hospital operates an in-patient treatment program for violent offenders. The Forensic Unit also operates the Forensic Assessment and Community Services Program (FACS), an out-patient program aimed at the therapeutic rehabilitation of incest offenders and wife batterers. FACS also has a Domestic Violence Couples' Group and in 1984 will start a couples' group for clients who have been successful as a result of other group therapy sessions and will focus on communication skills. FACS is also planning a two-day workshop on family violence in March 1984 for parole and probation officers, lawyers, and judges.

The third program, Men Who Batter, is based at the Calgary General Hospital's Forensic Services. This one-year old program deals only with men who batter, not with the women who are battered. A limit of 12 clients per group has been established (the fourth group is currently in progress).

RESEARCH

The two hospital-based out-patient programs (FACS and Men Who Batter) are collecting data from their clients. Statistical data specific to wife battering is not collected by any of the health care organizations surveyed. The Men Who Batter Program and the Calgary Women's Shelter have jointly applied for a research grant to assess the women's perspective during three stages of male treatment.

RESPONSE OF MENTAL HEALTH PROFESSIONALS

We are not aware of any mental health clinics which have developed professional protocols or which have provided formal professional education for their staff. Emergency service is offered to women's shelters in some cases. Hospitals which have emergency room psychiatric teams have identified their value in handling wife battering cases.

PUBLIC EDUCATION

No resources have been developed by the health care system for distribution to the public. Pamphlets on the legal rights of women are provided in some emergency departments.

KITS FOR HEALTH CARE PROFESSIONALS

No health care organization has developed its own kit or is utilizing a specific kit for wife battering.

III. WELFARE AND SOCIAL ISSUES

TRANSITION HOMES/EMERGENCY SHELTERS

Alberta has a total of II emergency shelters or 217 spaces, as follows:

2 in Edmonton
2 in Calgary
1 each in Grande Prairie, Lethbridge, Red Deer, Fort McMurray, Lloydminster, Grand Centre, and Medicine Hat.
A new shelter will be opening in Sherwood Park in 1984.

FEDERAL PROGRAMS

The Canada Mortgage and Housing Corporation Private Non-Profit Housing Program provided capital to Alberta shelters as follows:

1981:	1 project, 12 beds	$16,348
1982:	3 projects, 32 beds	$86,282
1983:	2 projects, 23 beds	$36,800

The Canada Employment and Immigration Commission has provided funding through several programs. Job creation projects under the Canada Community Service Projects for 1981-84 include one project of two jobs for $45,913 and another project providing two jobs for a total of $44,451.

The Industrial Job Training Program helped to support one job for 26 weeks, and the Summer Canada Internship Program provided for one 16-week position at a shelter in Lethbridge. Teleglobe Canada provided one shelter with start-up money for telephone services. Secretary of State Women's Program funded three projects for a total of $16,160 in 1981-82, and another three in 1982-83 for $13,405. Secretary of State monies have funded projects such as a newsletter, training of volunteers, and a conference.

PROVINCIAL PROGRAMS

The Province of Alberta, through the Residential Services Program of Alberta Social Services and Community Health, funds 80% of the operating budget of each shelter, up to a maximum of $10,000 per bed per year.

CANADA ASSISTANCE PLAN

Alberta does not receive any funds for emergency shelters from the Canada Assistance Plan. However, the Province is currently considering a change in procedure in order to include the use of the Canada Assistance Plan's "short form" needs test.

MUNICIPAL ROLE

The emergency shelters raise 20% of their operating budgets from municipal and private sources. Some shelters receive funding from their city or county councils. In addition, five shelters receive funding from their municipal or county branch of Family and Community Support Services. This funding is designated for education and prevention activities, other than operating costs.

AGENCIES

The United Way provides developmental funding to some shelters. Service clubs and church groups also provide support.

PRIVATE FUNDING

Private donations account for most of the 20% portion of operating expenses which the shelters do not receive from the provincial government.

STANDARDS

Operational guidelines for shelters are in effect and formal program standards are now being developed.

SECOND STAGE HOUSING

ALberta has one unit of second stage housing which receives referrals from emergency shelters and provides longer term accommodation for battered women. It is located in Calgary and contains two two-bedroom suites and five one-bedroom suites providing space for seven women and 16 children. The home receives 48% of its operating budget from Alberta Social Services and Community Health, and the rest from United Way, private donations, and rental payments from the occupants (the rent is assessed according to ability to pay).

TELEPHONE HOTLINES/NETWORKS

There is no crisis line specific to wife battering in Alberta, although there is a province-wide Zenith number for child abuse. Both Edmonton and Calgary have 24-hour emergency lines.

SAFE-HOME NETWORKS

Safe homes are private residences which provide emergency shelters on a voluntary basis for battered women. There are no safe homes for battered women in Alberta.

RESPONSE TO SOCIAL SERVICE PROFESSIONALS

Two representatives of the Alberta Association of Social Workers participated in the formulation of the first Canadian policy on wife battering to be developed by a professional group: the Canadian Association of Social Workers' "Policy Statement on Social Work Practice with Assaulted Women and their Families" (1983). Guidelines were implemented in 1982-83 and the Alberta Association sponsored a workshop on family violence in February 1983.

PLANNING MODE FOR FUNDING

The Alberta Government does not provide any capital funding for shelters so community support is required for the start-up stage. The 80% operating budget funding provided by the Alberta Government is negotiated up to a maximum of $10,000 per bed per year on the basis of annual budget submissions by shelter operators. No needs test is currently administered to shelter residents.

COUNSELLING PROGRAMS FOR BATTERERS

The Lethbridge emergency shelter is currently sponsoring a one-year pilot project involving separate counselling for men, women, and children, followed by family counselling. The Grand Centre shelter refers men who batter to a private counsellor who runs a group program for men.

COUNSELLING PROGRAMS FOR WOMEN

Five shelters run programs, including "in house" support groups, "out of house" support groups, and follow-up support groups. The other shelters use community resources to provide counselling and support for women. For example, the Alberta Mental Health Unit in Calgary has assigned some staff to counselling duties and has sponsored survival skills workshops for women in shelters. The City of Edmonton sponsors a support group for women in one area of the city.

WELFARE/SOCIAL ASSISTANCE: EMERGENCY FUNDING

Emergency funding is provided by the Emergency Social Services Crisis Unit of the Department of Social Services and Community Health. This assistance is available only after the woman has left her husband. Funding is provided according to the ceilings established by the department. The requirement to complete a formal application is waived if the woman is in an emergency situation.

ELIGIBILITY REQUIREMENTS FOR SOCIAL ASSISTANCE

A women must be living in a separate residence from her husband before she can apply for regular social assistance. All applicants must meet the basic eligibility requirements regarding residency, employability, and assets. A women living in an emergency shelter cannot receive social assistance while there, but she can apply for it at that time.

IV. EDUCATION AND SPECIAL GROUPS

EDUCATION IN TRANSITION HOMES

Most shelters send children to the closest public school. Most provide transportation to the school if there is any threat from the father. Some schools have a teacher who provides a maintenance program. Some shelters have full-time child care workers who provide day care for pre-school age children. In other shelters these duties are performed by volunteers. One shelter is trying to build a corps of volunteer retired teachers to provide tutoring.

PUBLIC EDUCATION

There is no public education campaign in Alberta which focuses on the issue of wife battering. While not addressed specifically in the curriculum adopted for Alberta schools, the issue of wife battering may receive indirect focus through two subject areas, Health and Home Economics. The Health Program applies to grades one to nine and includes the following themes: self-awareness and acceptance, relating to others, life careers, body knowledge and care, and human sexuality (the latter is optional). Health in the senior high school level is optional and contains the following additional themes: the family, preparation for marriage, responsible parenthood, and lifestyles.

The Home Economics Program is offered to junior high schools as an elective. One third of the program deals with personal living skills.

Two curriculum guides which are available to schools deal with the issue of stereotyping. One is a package developed by the Society for the Prevention and Elimination of Discrimination and Stereotyping, and the other is a Grade 10 Curriculum Guide developed by the Alberta Human Rights Commission called "Respecting our Differences".

There have been a number of conferences and workshops on the topic of wife battering and family violence generally during the past few years. In addition, the establishment of several community groups has increased the public awareness of this issue. The Alberta Society of Women Against Violence, which is funded by the Alberta Law Foundation, Secretary of State Canada, and the Alberta Government, has been in existence for two years. The society assists any community or group to organize a workshop on violence against women, to provide information on resource people and materials and to develop a support/information network. The Calgary YWCA has established a Committee on Violence, and the United Church of Canada, Alberta Conference, now has a Task Force on Violence.

IMMIGRANT WOMEN

The Race Relations Units of the Edmonton and Calgary City Police Departments suggest that the incidence of wife battering among immigrant groups is similar to that of other groups, but that immigrant women are less likely to report it. There are no special programs for immigrant women.

NATIVE WOMEN

The Alberta Native Women's Association is conducting a study of the problem of wife battering among Natives. The report should be completed in 1984. The Metis Association of Alberta and ACCESS (an educational audio-visual resource agency) are currently producing a slide and tape show on family violence called "Cry Softly".

DEPENDENT SPOUSES OF THE DEPARTMENT OF NATIONAL DEFENCE

The particular problems of dependent spouses of National Defence employees have been recognized. An emergency shelter has been established in the vicinity of the Cold Lake Armed Forces Base.

RURAL WOMEN

Emergency shelters have now been established in some of the rural areas of Alberta, but many regions still lack support systems for battered women.

10. BRITISH COLUMBIA REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSES TO WIFE BATTERING

PROVINCE OF BRITISH COLUMBIA

MINISTRY OF THE ATTORNEY GENERAL

LEGISLATION

There is no provincial legislation, current or contemplated, dealing specifically with wife assault.

Criminal Code of Canada and its various sections dealing with assault, peace bonds, restraint orders, interim release procedures etc.

POLICIES

PERTAINING TO WIFE ASSAULT

A new policy regarding wife assault, approved in the summer of 1983 by the Ministry of Attorney-General emphasizes the criminal nature of wife assault. The policy takes a stronger law enforcement approach to the problem and places a greater emphasis on protection of the victim. It calls for instructions to police forces and Crown Counsel to pursue criminal charges in all cases of wife assault warranted by the evidence. It also makes recommendations for a variety of supportive services, such as public and professional information programs and treatment programs for offenders to ensure that the policy goals of reducing the incidence of wife assault and protecting the women concerned are met. It is anticipated that the Attorney-General of British Columbia will announce this policy publicly early in 1984.

PROGRAMS AND SERVICES

FOR BATTERED WIVES

No program or service specifically directed to battered wives.

OF ASSISTANCE TO BATTERED WIVES

Therapy Group for Men who Batter - a treatment program operation out of Vancouver which is used as an alternative to incarceration. $40,000 per annum.

MINISTRY OF HUMAN RESOURCES

LEGISLATION

There is no provincial legislation, current or contemplated, dealing specifically with wife assault.

Guaranteed Available Income for Need Act (Sections 2 & 5) provides for a variety of financial and social services, including programs to relieve poverty and to provide a basic standard of living. CAIN basic income assistance provides monthly benefits for persons aged 19-64, most of whom require assistance for only a short time. There are provisions for income supplement for large families, and for financial support during convalescence for persons temporarily unable to work because of poor health or disability. Eligibility for benefits is based on an objective measurement of need and financial circumstances.

FAMILY AND CHILD SERVICES ACT

Makes provisions for assistance to families and children who are experiencing difficulties.

POLICIES

PERTAINING TO WIFE ASSAULT

There is a formal, written policy outlining administration procedures to be followed for the funding of transition houses, hostels and residential treatment facilities.

No formal written policy regarding income assistance for battered wives.

PROGRAMS AND SERVICES

FOR BATTERED WIVES

A total of 25 Transition Houses receive Ministry funding. The Ministry's involvement ranges from the purchase of room and board to the purchase of that includes supportive counselling, referrals to helping services in the community, and child-oriented programs. Total Budget 1983/84-$3.1 million.

OF ASSISTANCE TO BATTERED WIVES

The Community Grants Program purchases non-statutory social services from community based non-profit societies to complement and support Ministry programs. These non-profit societies offer services such as rehabilitation, social integration, referral, prevention, crisis intervention services, or volunteer services to families, groups or individuals who are in need or likely to be in need. Total Budget 1983/84-$6.6 million.

ENFORCEMENT OF MAINTENANCE

The Ministry of Human Resources and the Ministry of Attorney-General are developing a joint program which will provide a uniform, effective and speedy system for obtaining maintenance orders, monitoring payments under the orders, upon default of payment taking fast enforcement action, and eliminating major problems involved in obtaining and enforcing maintenance. This program will be of benefit to many battered wives.

Individual Opportunity Plan was introduced in 1980 to assist recipients of income assistance in their efforts to become independent. Staff of the Ministry work with women, some of whom are battered wives, to identify goals, skills and barriers to employment and develop personal plans of action. A variety of ancillary services may be provided, including payment of course fees, daycare subsidies, etc., to assist women in becoming self supporting members of the community. Total Budget 1983/84-$6.3 million.

OF ASSISTANCE TO BATTERED WIVES

The Family and Children's Services Division of the Ministry which derives its statutory authority from the Act provides services to families and children in four major program areas: a) Child Protection Services; b) Services for Children-in-Care; c) Family Support Services; and d) Adoption Services. Also, Helpline for Children is a 24-hour toll-free line which receives reports indicating that a child is in danger and in need of protection. Information received through the helpline often leads to the identification of wife battering situations. Total Budget 1983-84-$96.6 million.

MINISTRY OF HEALTH

LEGISLATION

There is no provincial legislation, current or contemplated, dealing specifically with wife assault.

HEALTH ACT

An act administered by the Ministry of Health to provide authority to control the spread and prevent the occurrence of communicable diseases primarily and for community health generally. 'Section 4, Functions of the Minister ... shall a) take cognizance of the interests of health and life among the people of the province.'

POLICIES

PERTAINING TO WIFE ASSAULT

There is not a formal written policy for wife battering for the Ministry of Health.

PROGRAMS AND SERVICES

OF ASSISTANCE TO BATTERED WIVES

1. Mental Health Services: Mental Health Centres provide individual or group therapy sessions to women who are not primarily diagnosed with abuse or battering syndrome but have been in marital situations of violence. Assertive training services are offered to assist women to deal with these abusive situations. Vernon Mental Health Centre starting group therapy for abused women.

2. Alcohol and Drug Program Services: The admission criteria is for alcohol or drug dependence however, many women who request help or who are seen as a family member are recipients of abuse. In Victoria for example, between October, 1982 and October, 1983, 17 women in the Partners Group and 13 treated individually acknowledge being assaulted. Aurora House, a residential unit to treat women with alcohol and/or drug problems had 50-80 of the 100 residents in 1982 who were victims of physical, sexual (incest) or emotional assault.

3. Preventive Services: In their work with families the public health nurses see and visit homes of women who have suffered assault. The nurses help these women to obtain counselling or to move to a transition house. The nurses also work with staff of other agencies and community groups in establishing transition houses with counselling/therapy sessions for house residents and in promoting self help and parents-in-crisis groups. The extent of the service, i.e. numbers of women involved is not identifiable.

4. Hospital/Physician Services: The B.C. Columbia Medical Association has considered the issue of wife assault as it relates to a physician's practice. There are no immediate plans for the Association to develop a program wife assault as a focus. Assault has not been a diagnosis that is recorded on hospital or physician's records, therefore, the time spent by physicians and psychiatrists is not known although it is thought to be considerable.

FOR BATTERED WIVES

There are no funds earmarked in the Ministry of Health for wife battering, wife abuse or battering men.

OF RELEVANCE TO WIFE ASSAULT

It is impossible to estimate what portion of the overall funding is spent on treating wife assault cases.

MINISTRY OF EDUCATION

LEGISLATION

There is no provincial legislation, current or contemplated, dealing specifically with wife assault.

School Act (Section 160, Sub-Section d, e, g) gives permissive approval by school boards to provide adult/community education.

College and Institutes Act (Sections 8 and 160C) makes mandatory the provision of 'comprehensive community education programs.'

POLICIES

PERTAINING TO WIFE ASSAULT

There is no formal written policy regarding wife assault.

RELATED POLICIES

CONTINUING/ADULT EDUCATION

Ministerial Policy on community education, introduced May 1980 provides authority for local colleges, institutes and school districts to offer a variety of activities which are directed toward social, cultural and personal development. This policy commits the Ministry, within limits established by Treasury Board, (1) to provide financial support for approved education programs but requires tuition fees to make a significant contribution to direct costs of instruction; (2) to provide significant financial support for direct instructional costs where few alternatives exist or where such programs are part of a planning process to encourage participation by geographically, economically or socially disadvantage adults. Guidelines to this policy, released 83-09-15 further clarified types of community education eligible for funding. Included on a matrix of possible programs is 'Family Violence', both raising of public awareness and forming preventative and/or self-help groups.

REGULAR CREDIT/CAREER PROGRAMS

Curriculum content is co-ordinated by the Ministry, with print guidelines provided but local college/institute has discretion over final content of programs.

PROGRAMS AND SERVICES

OF RELEVANCE TO WIFE ASSAULT

Specific programs offered by school boards, colleges and institutes are determined locally in accordance with each jurisdiction's determination of needs and priorities. The province cost-shares in these programs through funding of community education. Statistics are not available on the number of programs specifically dealing with wife assault and enrolment in same. It is known, however, that in 1981/82 over 220,000 adults enrolled in community education/general interest programs. Of these, 21,000 were health and social science related (within which family violence would fall). It is informally understood that programs on family violence are the very small minority of these numbers.

OF RELEVANCE TO WIFE ASSAULT

Total provincial contribution to all adult and continuing education for 1983/84 is just over five million dollars of which a portion is spent on community education. This fund supports a portion of the administrative costs of these programs. Tuition fees from participant cover all instruction at costs and approximately one third of administrative costs which are not covered by provincial funding.

Several social services programs routinely include family violence as a topic. These include Community Social Worker, Human Support Worker, Social Service Worker and Band Social Service Worker (Native Indian focus). Justice Institute and its police training program and community education programs also deal with family disputes and crisis intervention. Total student contact hours in Social Sciences 1982/83 was 244,000 of which this topic is a small portion. Funding is not established separately but is part of the overall funding of colleges and institutes.

11. YUKON REPORT ON EXISTING PROGRAM, POLICY, AND LEGISLATIVE RESPONSES TO WIFE BATTERING

OVERVIEW OF REPORT

FORMAT OF THE REPORT

This report documents services available in Yukon to women who have been abused by their husbands or common-law partners. Recommendations are made concerning the enhancement of services which fall under the auspices of Government of Yukon.

In Yukon there are a number of services relevant to battered women which fall under federal jurisdiction. Particularly significant are the Solicitor General's responsibility for policing through the R.C.M.P., the Department of Justice's responsibility for criminal prosecution through the Crown Attorney, National Health and Welfare's responsibilities for the delivery of health services, and Department of Indian Affairs and Northern Development's responsibilities to status Indians. These services are not detailed in this review although they are briefly noted.

Although this report attempts to note all relevant services regardless of whether their sponsorship is federal, territorial or private, the recommendations made are limited to those which the territorial government is empowered to implement.

i) THE YUKON CONTEXT

The Yukon Territory has a small population of approximately 23,000 people, over half of whom live in the capital of Whitehorse. The rest are distributed in approximately 14 other communities and settlements, ranging in population from 50 to about 1,700. All communities are accessible by road except for Old Crow, a largely traditional Native community north of the Arctic Circle.

There are twelve Indian Bands in Yukon, and a land claims agreement in principle has recently been signed by the Yukon and Federal Governments and the Council for Yukon Indians. This agreement in principle outlines some of the mechanisms which would be put in place to allow for Native representation within a "one-government system", in preference to the adoption of a Reserve system. This agreement in principle has not yet been ratified by the majority of the Indian Bands, and it is not known when this process will be completed. In the light of the possible provisions of the proposed settlement, it is difficult to recommend strategies which might be adopted within Native communities to address the problem of spousal assault. It is, however, suggested that Native people must have input into program developments and delivery within their own communities, consistent with their cultural values and lifestyle.

Most communities in Yukon do not have daily bus or air services to the capital of Whitehorse where the great majority of social service agencies are located. Many communities have little in the way of medical services, and only five communities outside Whitehorse have a resident physician. Lawyers are in Whitehorse, few communities receive newspapers more than once a week, and only two communities receive mail deliveries more than three times a week. Most communities do receive some assistance from Health and Human Resources staff of the Yukon Government, however, many communities have part time workers, or are served by staff from other communities. All communities with the exception of Whitehorse receive court services through the Circuit Court, which visits at intervals ranging from once every two or three months to twice a year. Other court services are delivered by Justices of the Peace who have limited jurisdiction. For the most part, probation officers visit the community infrequently or with the Circuit Court, and this applies to lawyers and courtworkers also.

The above points demonstrate the difficulties which may be experienced in trying to deliver a full range of social and health services to a small and widely dispersed population.

I. THE CRIMINAL JUSTICE SYSTEM

The Criminal Justice System represents the first major group of resources dealt with in this report because of its wide-ranging involvement in the provision of services for both men who batter and their victims. This is accomplished through police services, the court process and sentencing. There are also additional resources attached to the Criminal Justice System such as the Legal Aid program, Native Courtworker services and the Compensation for Victims of Crime program. With the initiatives now taking place on the part of the Royal Canadian Mounted Police (RCMP) and the Crown, it is likely that the elements of the Criminal Justice System will become more prominent with respect to the provision of services to the victims of spousal assault.

1. JURISDICTION & SERVICES

The Federal and Yukon Governments both have jurisdiction over different elements of the system. There is no Attorney General in Yukon, thus the Attorney General for Yukon is the Federal Minister of Justice. Prosecutions are handled by the Crown Attorney and three Assistant Crown Attorneys who represent the Federal Justice Department in Whitehorse. The Crown Attorney is the Director of the Regional Office in Yukon and is responsible to the Attorney General of Canada in Ottawa. The Court System consists of the Supreme Court, decisions of which are appealed to the Court of Appeal; the Yukon Court of Appeal, decisions of which are appealed to the Supreme Court of Canada; and the Yukon Territorial Court, appeals of which are heard by either the Yukon Court of Appeal or the Supreme Court. The courts are administered through the Yukon Department of Justice.

The Yukon Department of Justice is responsible also for Institutional Services and Community Corrections. Juvenile Corrections are currently the responsibility of the Yukon Government Department of Health and Human Resources. Parole supervision is now effected through the Probation Branch by means of an agreement between the Corrections Service of Canada and the Yukon Government, however, parole decisions are made by the Federal Parole Board through its office in Prince George, British Columbia, even for inmates from the Whitehorse Correctional Centre. All policing services in Yukon are provided by the RCMP. The Divisional Headquarters ("M" Division) are in Whitehorse, and there are detachments situated in the outlying communities. The policing services are carried out by means of a ten year agreement between the Yukon and Federal Governments, similar to the agreements held between the Federal Government and the provinces. Policing requirements and arrangements are jointly agreed by the Yukon and Federal Governments. The Department of Indian Affairs is also involved in the policing of Yukon with respect to the provision of policing in Native communities through Native "Special" Constables.

Native Courtworker Services, Legal Aid and the Compensation for Victims of Crime programs are all cost-shared between the Federal and Yukon Governments.

2. POLICING SERVICES

All policing in Yukon is provided by the RCMP. There are therefore no "Territorial" or "Municipal" police in Yukon.

3. THE COURTS

This section provides a description of the court system in Yukon in relation to its contact either with women who are victims of a spousal assault, or with men who have been charged with assault. The role of the Crown Attorney is discussed in this section also because the Crown's involvement in the prosecution of criminal offences is an integral part of the court system. A discussion is presented concerning the roles and responsibilities of Justices of the Peace, particularly in smaller communities which are otherwise served by Circuit Court. A short discussion is presented outlining the sentencing options now available to Judges, although more consideration is given to this subject under the headings of "Community Corrections" and the "Whitehorse Correctional Centre".

A. THE SUPREME COURT

The Supreme Court was constituted by the Supreme Court Act in 1971, and has full civil and criminal jurisdiction throughout Yukon. It sits in Whitehorse, and the Judges consist of the resident judges of the Yukon and Northwest Territories and the Justices of the Alberta and British Columbia Courts of Appeal. The Judges are appointed federally by the Governor in Council.

The Supreme Court deals with divorces, civil matters and indictable offences under the Criminal Code tried by Judge and jury or Judge alone, as well as summary conviction appeals.

Appeals made with respect to the decisions of this court are made to the Court of Appeal.

Spousal assaults are unlikely to be dealt with by the Supreme Court, unless they form part of divorce proceedings or result in more serious criminal charges such as murder or manslaughter.

B. YUKON COURT OF APPEAL

The Yukon Court of Appeal was constituted by the Court of Appeal Act in 1971, and sits generally in Vancouver and once a year in Yukon. The Judges are the resident Judges of the Yukon and Northwest Territories, and the Justices of the British Columbia Court of Appeal. The Judges are appointed federally by the Governor in Council.

The court hears appeals respecting civil or criminal matters from the Territorial and Supreme Courts.

C. THE YUKON TERRITORIAL COURT

The Yukon Territorial Court is where the great majority of cases arising from spousal assaults would be heard. The court was established by the Territorial Court Act of 1971, and has two full time Judges appointed by the Commissioner of the Territory. The court hears all criminal offences and all charges under the Juvenile Delinquent's Act. The Court has jurisdiction also in civil matters involving sums of up to $1,500. Appeals of decisions made by this court are held by the Yukon Court of Appeal or Supreme Court.

Judges in Yukon do not specialize in criminal, family or juvenile matters, and there is no real formal division between family and criminal courts. There is an effort made, however, to schedule "family" or "criminal" matters together for better management of court time.

Court is held daily in Whitehorse in two court rooms with either a Judge or Justice of the Peace presiding. Justices of the Peace in Whitehorse deal generally with bylaw infractions, requests for time-to-pay extensions, license suspensions, Territorial Acts and offences under the Summary Convictions Act.

The court travels on circuit to communities outside Whitehorse more or less as follows:

Community	Visits per Year	** "J.P." Courts
Watson Lake	5	1 weekly
Teslin	4	1 monthly
Carcross	4	4 per year (J.P. from Whitehorse)
Haines Junction*	4	1-2 per month
Faro/Ross River	5	not sitting
Carmacks	4	1 per month
Pelly Crossing	2	rarely
Mayo	5	not sitting
Dawson	5	1 per month
Old Crow	2-3	not sitting

* Court in Haines Junction also deals with cases from Burwash, Destruction Bay and Beaver Creek.

** Information as of December 1983.

When court travels on circuit, the personnel include Legal Aid and defence lawyers, the Crown Attorney, the Native Courtworkers, and frequently the Probation Officers, also.

D. THE ROLE OF JUSTICES OF THE PEACE

The status of Justices of the Peace is established in the Justice of the Peace Act of 1979. Justices are appointed by the Judicial Council and undergo an extensive selection process followed by training which takes place twice a year. The training conferences are conducted under the auspices of the Chief Judge of the Territorial Court who draws upon resource personnel from the Defence Bar, Crown and other specialists.

The powers of individual Justices of the Peace are specified in their letters of appointment, which indicates that there are three 'levels' of Justices. Generally speaking, the powers of a 'J.P. I' are more or less limited to paperwork associated with legal procedures, whereas JP II's and III's have more power and are colloquially known as 'sitting' JP's. There are, however, some JP II's who prefer not to 'sit' and preside over court proceedings, and they too perform mostly 'paper' duties. The authorizations of the J.P.'s, according to their status are reproduced below:

JUSTICE OF THE PEACE - YUKON
LETTER OF AUTHORIZATION

TO ______________________________

OF ______________________________

STATUS - JUSTICE OF THE PEACE I

You are authorized as a Justice of the Peace I by the Chief Judge to carry out only the powers and responsibilities marked by my signature opposite each enumerated power below.

AUTHORIZATION	POWERS
____________________	1. Receive Information Pursuant to all Federal & Territorial Law.
____________________	2. Confirm or cancel Appearance Notices, promises to Appear and Recognizances.
____________________	3. Issue or cancel Summons, Warrants for Arrest or Subpoena.
____________________	4. Issue or cancel Search Warrants pursuant to all Federal or Territorial Laws.
____________________	5. Arraign accused persons.
____________________	6. Grant Adjournments.
____________________	7. Conduct Weddings.

STATUS - JUSTICE OF THE PEACE II

In addition to all powers of a J.P. I, you are authorized as a Justice of the Peace II, by the Chief Judge, to carry out only the powers and responsibilities marked by my signature opposite each enumerated power below.

AUTHORIZATION	POWERS
______________	1. Conduct judicial and interim release hearings except where detention is required and the accused does not consent to detention.
______________	2. Sentence upon a guilty plea any by-law offence.
______________	3. Sentence upon a guilty plea any Territorial Act offence except where the Crown seeks a fine in excess of $500 or a jail sentence in excess of 15 days.
______________	4. Sentence upon a guilty plea any summary Federal Act offence except where the Crown seeks a fine in excess of $500 or a jail sentence in excess of 15 days.
______________	5. Conduct hearings for the purposes of the identification of children under the Child Welfare Act.
______________	6. Upon an admission of delinquency, sentence any juvenile where the Crown is not seeking to make the juvenile a ward of the State.

STATUS - JUSTICE OF THE PEACE III

AUTHORIZATION	POWERS
________________	1. Hear any Territorial Act or By-Law offence where the Crown does not seek a fine in excess of $2,000 or a jail sentence in excess of three months.
________________	2. Hear any summary Federal Act offence where the Crown does not seek a fine in excess of $2,000 or a jail sentence in excess of three months.
________________	3. Hear any application pursuant to Child Welfare Act where the Department is not seeking an order of any kind for more than a two month period.
________________	4. Hear civil matters pursuant to any applications under the Mental Health.

This Letter of Authorization is effective as of ________________ until ________________ unless otherwise amended or revoked by the Chief Judge of the Justice of the Peace Court.

____

Chief Judge

As can be seen by the defined powers, it would require a J.P. II to hear a Peace Bond application, and a J.P. III to hear proceedings in relation to any offence where there was not a guilty plea entered. This means that in many cases, assault charges would be 'held over' until they could be dealt with by the Circuit Court.

Generally speaking, the Justices of the Peace are not considered as 'quasi-lawyers', but to give 'common sense' decisions. Nevertheless, decisions made by the J.P.'s must conform to the legal limits defined in the Criminal Code or elsewhere.

In January 1984, the Justices of the Peace in Yukon were distributed in 16 communities as follows:

COMMUNITY	J.P. I	J.P. II	J.P. III	TOTAL
Whitehorse	5	5	4	14
Elsa	0	1	0	1
Dawson	1	2	1	4
Carcross	0	1	0	1
Watson Lake	0	1	2	3
Old Crow	1	0	0	1
Carmacks	1	0	3	4
Faro	1	1	0	2
Haines Junction	2	0	1	3
Beaver Creek	1	0	1	2
Mayo	0	2	0	2
Stewart Crossing	1	0	0	1
Teslin	1	0	1	2
Pelly Crossing	2	1	0	3
Ross River	1	1	0	2
Destruction Bay	1	0	0	1
TOTAL	18	15	13	46

Of the sixteen communities served by Justices of the Peace, nine do not have J.P. III's and three communities do not have J.P. II's either. Consequently, there would be no regular scheduled J.P. courts. The community of Old Crow is particularly isolated in this respect, having no J.P. II's and a Court Circuit which visits twice a year.

E. STATISTICS AVAILABLE

There are no statistics available with respect to the number of charges dealt with by the court system as the result of a spousal assault. It is the impression of the Judges that there are few common assault charges brought to court. Statistics available from the Yukon Department of Justice indicate that during the 1982 calendar year, there were 79 convictions made as the result of assault charges, and 67 charges were dealt with 'otherwise', for example, by a stay of proceedings, withdrawal or dismissal of charges. There were 59 applications made for Peace Bonds during that same period, however not all these applications would be as the result of a spousal assault. Given the impression of the Judges that few spousal assault charges appear before the courts, the proportion of the charges mentioned above which resulted from spousal assault would probably be very low.

F. SENTENCING OPTIONS

For the few charges of assault which do result in convictions, what sentencing options are there available to the Judges in Yukon? The most commonly used sanctions would be a term of probation, a prison sentence, a combination of both probation and imprisonment, or a fine.

Statistics from the Yukon Justice Department show that during the 1982 calendar year, there were 17 assault charges and 12 charges of sexual assault which received sentences of imprisonment at the Whitehorse Correctional Centre. Three assault charges resulted in terms of imprisonment subsequent to the non-payment of a fine. It cannot be assumed, however, that the cases recorded at the Correctional Centre arise from the 79 charges recorded by the courts during that same year. It could, perhaps, be stated that relatively few assault charges in Yukon are dealt with by the application of a prison sentence. The resulting conclusion might then be that many are dealt with by terms of probation or fines.

Generally speaking, once they do get to court, spousal assaults are not dealt with any more leniently than other forms of assault, and may, in fact, be treated more severely because of the relationship between the parties. There are, however, some factors which may be taken into account in sentencing for cases of spousal assault, and these include "the perception of the sanctity of marriage" and under what circumstances it is justifiable to separate the parties, possibly against their will, for the "general good" of society.

G. THE CROWN

The Yukon's Attorney General is the Attorney General of Canada, represented by his Regional Director who is also the Crown Attorney for Yukon.

4. THE CORRECTIONAL INSTITUTION

There is one correctional facility in Yukon, situated in Whitehorse. The centre provides for the custody of both men and women serving sentences of two years or less. The facility is used also to house those who have been remanded in custody while awaiting trial, transfer to a Federal penitentiary or mental institution.

The population at the centre ranges between approximately 55 and 90 days, and the Centre receives between 450 and 600 admissions a year.

A. STATISTICS

No statistics are routinely collected with respect to the number of inmates who have been sentenced as the result of a spousal assault. During the 1983 calendar year, statistics provided by the Yukon Department of Justice indicate that 17 males had served sentences as the result of incidents of assault, however, no conclusions can be drawn concerning the number of incidents of spousal assaults which might be included in this figure. In any event, the proportion of sentences as a result of assault is not high, representing about 4% of all admissions.

B. PROGRAMS

The programs of relevance to this report would include any programs designed for men who have either been sentenced for spousal assault or who had such behavior identified as a problem during their sentence. This identification would occur during case conferences with staff, or individual counselling sessions. There are few full time program staff at the institution, and programs designed for batterers would likely be delivered by either the Correctional social worker or the part time psychiatric nurse.

There are no programs at this time which deal specifically with batterers, although the need has been identified by both the social worker and psychiatric nurse. There are several inmates who exhibit assaultive behaviour both to their wives and others, however, they have not all been sentenced directly as a result of this behavior. The asssaultive behavior therefore may be identified almost as a side issue. Similar to alcohol abuse, it can be a behaviour which may contribute to an inmate's problems, but not necessarily be the immediate cause of incarceration. As previously stated, there are programs which address alcohol abuse, but not wife abuse.

An attempt is now being made at the Correctional Centre to identify the best way to address the problem of wife abuse within the Institution. It is thought that this might be to treat the subject as part of a larger program designed to deal with emotional development and anger control, rather than to provide a specific focus on spousal abuse. This more general approach is likely to encourage a wider attendance.

C. RELEASE CONDITIONS

Inmates are eligible for parole after they have completed one third of their sentences, and decisions with respect to parole applications are made by the Federal Parole Board. Parole decisions take a long time to occur, and it is unlikely that inmates will apply for parole unless they are serving long sentences. Inmates are released after two thirds of their sentences have been served, as a result of the accummulation of "good time". In some cases, inmates can be "pre-released" to allow them to take up employment or alcohol treatment at Crossroads in Whitehorse for example.

Inmates who are released generally receive no supervision or support unless a probation order has been attached to third total sentence, which is not infrequent. As previously mentioned, however, most of the probation officers are located in Whitehorse, and there may be little in the way of support in their home communities. This lack of supervision and support has particular importance in the light of the plans to develop a program to deal with assaultive behaviour in the institution. What is there in the community to support an inmate who has taken part in such a program?

5. ADULT PROBATION SERVICES

Adult probation services are provided through the Yukon Government Department of Justice. The staff include a Chief Probation Officer, Senior Probation Officer and four other Probation Officers in Whitehorse, as well as one each in Mayo and Watson Lake. The Department is responsible for parole supervision also, subsequent to the closure of the Federal parole office in late 1983. In addition to the level of probation supervision provided, the Probation Department is responsible for the Community Service Order program.

A. STATISTICS

The Probation Branch instituted a new intake system April 1, 1984 which identifies the various criminal code offences. The number of clients on probation as a result of assault convictions since that date is available. The Branch can also produce statistics on the number of clients whose conviction related to spousal assault.

The general impression is that historically there are very few clients who have received terms of probation as a sentence for spousal assault however, there are clients who have assaulted their wives but have been sentenced as the result of some other offence. The situation in this respect is similar to that reported by the Correctional Institution — that such behaviour is often identified as an issue to be dealt with subsequent to its identification through counselling sessions or case conferences.

B. PROGRAMS

No programs are offered by the Probation Branch specifically for men who assault their wives, although referrals are made from time to time to Mental Health Services or for alcohol treatment. In some cases, both marriage partners may be seen by a probation officer where spousal assault is involved.

The Probation Branch has participated in a number of training sessions sponsored by the R.C.M.P. and Mental Health. The Probation Branch supports the initiatives of other agencies and considers this to be a priority issue as identified by participation on the Ad Hoc Committee of Family Violence.

The Probation Branch introduced an offender classification system in January of this year. Offences of spousal assault are placed in an intensive category which require the probation officer to establish contact with the client at least twice monthly. Offenders in the intense category in most instances will be involved with another agency such as Alcoholics Anonymous or Mental Health Services.

6. THE LEGAL AID PROGRAM

The Legal Aid program has been administered by the Yukon Government since 1971.

The governing body of the Legal Aid program in Yukon is a three member committee appointed by the Commissioner of the Territory.

The committee maintains three panels of lawyers, one consisting of Yukon residents, and the other of non-residents. A Duty Counsel accompanies the Territorial Court when it is on circuit, but does not attend court in Whitehorse.

A. LEGAL AID COVERAGE

The Legal Aid program provides legal services to people who cannot afford to pay for such services themselves. In some cases, recipients of assistance from the program are expected to contribute towards the cost. The decision to provide Legal Aid services is based on the financial status of the applicant in all cases.

The program covers the cost of divorce proceedings, as well as some civil matters and a variety of criminal offences, including indictable and some summary convictions offences. The relevance of the Legal Aid program to women who have been assaulted can be defined in two major ways; firstly in its application to petition for divorce, and secondly in the way that the Legal Aid process assists offenders in proceeding through the courts.

B. APPLICATION PROCEDURES

The Legal Aid clerk carries out most of the processing of the Legal Aid application forms, and her office is in the court building in Whitehorse. Forms are available also in the Correctional Institution and the Territorial Court.

Outside Whitehorse, the availability of the Legal Aid forms is limited, and there are no Legal Aid agents in the communities. Consultation with the Legal Aid Clerk is available through the territorial government's zenith telephone line.

Once an application is received in Whitehorse, the matter is reffered to the Legal Aid lawyer accompanying the regular court circuit who acts as Duty Counsel and represents those requiring legal assistance.

7. THE YUKON NATIVE COURTWORKER SERIVICE

The Native Courtworker Service is based in Whitehorse, where all the staff are located. The staff consists of the Executive Director, two Native courtworkers and a secretary-receptionist. The Executive Director administers the program and performs some courtwork himself. The Courtworker Service receives funding through a grant from the Yukon Government, 50% of which is recovered from the Federal Department of Justice. The grant for the 1982-83 fiscal year was $93,500. The agency has a nine-member Board of Directors, elected for a one year term.

The Native Courtworkers are available to assist Native people who are either appearing in court or who need legal information before or after court. In addition to providing information about legal matters, courtworkers provide information about other agencies and can help Native people to find their way through various Government bureaucracies such as the Department of Health and Human Resources. Native Courtworkers, because of their community contacts and knowledge of the Native community, are in a ideal position to assist Native women who are involved in a relationship where they are being battered.

8. COMPENSATION FOR VICTIMS OF CRIME

The Compensation for Victims of Crime Act came into effect in Yukon in 1975, at which time it was administered by the courts. In late 1980, an amendment to the Act was passed to transfer the administration of the program to the Workers' Compensation Board, and this arrangement is still in effect. The program is cost-shared between the Federal and Yukon Governments (75% Federal, 25% Yukon).

A. PROVISIONS OF THE PROGRAM

This program provides for the financial compensation of victims of offences for medical and dental benefits, lost earning, pain and suffering and certain types of personal property such as clothing and eyeglasses. The amount of compensation to be paid is assessed under the guidelines used by the Workers' Compensation Board for injuries experienced in the workplace. The maximum allowable compensation is $15,000 as a lump sum payment, or $25,000 if the payment is made either in installments or a combination of lump sum and installments. The minimum claim that can be considered or paid is $100.

B. ELIGIBILITY

Spouses and children would be eligible under the provisions of the Act if they were injured as a result of an assault by their husband or father. The offences for which compensation can be paid include assaults ranging from common assault to sexual assault and murder, as well as a number of other offences resulting in personal injury to the victim. Victims are also eligible for compensation if the injury was acquired while making, or assisting a Peace Officer in making, an arrest.

An order for compensation can be made..."whether or not any person is prosecuted for or convicted of an offence as the result of an occurance...." It is therefore not necessary for a charge to be laid in order to be eligible for compensation. Unlike the Alberta legilation, it is not specifically mentioned in the Act that the police must be informed that an offence has taken place.

While spouses are eligible for compensation under the provisions of the Act, it is the practice of the Board not to award compensation if the woman is known to have returned to live with the assaulting spouse. This provision has been made in order to prevent the assaulting spouse from gaining access to the money awarded in compensation for his actions.

C. PROCEDURES

A victim of an offence fills out a four page application form which requires information outlining the circumstances surrounding the alleged occurrence, names and addresses of witnesses, police action, earnings lost, etc. Once completed, the application form is submitted to the Workers' Compensation Board which then sets a date for the hearing (the Board generally meets once a month).

At least ten day prior to the date of the hearing, the Board causes notice of the hearing to be given to the applicant, to the person whose act or omission was, or is alleged to be, responsible for the occurance, and to any other person who appears to the Board to have an interest in the matter. It is not necessary for the victim to attend the hearings in person.

Once a decision has been reached by the Board, a copy of the decision is served on the parties to the proceedings.

D. THE YUKON GOVERNMENT DEPARTMENT OF JUSTICE

The preceding sections have dealt with some of the specific services and programs with which the Yukon Department of Justice is either directly or indirectly involved. Direct involvement is demonstrated through the Justice Department's administration of the Probation Branch and the Correctional Institution for example, while involvement is more indirect with respect to policing and the Native Courtworker Services.

A. THE WOMEN'S BUREAU

There is one other area which should be mentioned with respect to the Department's concern with services to women, and this is the Women's Bureau. In Yukon, the Minister of Justice is also the Minister with responsibility for the Status of Women, therefore, the Women's Bureau is located within the Justice Department. The Bureau is staffed by one person who reports to the Deputy Minister of Justice, and the responsibilities of the Bureau are:

- assessing Territorial and Provincial legislation, policy and programs, in order to compare the status of women in Yukon with other jurisdictional areas in Canada, and to recommend revisions or implementation of new policy in Yukon, if necessary;

- acting as the focal point and liaison body for internal government departments, local women's groups, Provincial, Federal and Territorial departments;

- developing and assessing social and economic indicators relevant to the analysis of the status of women in Yukon;

- working actively with government departments, local employers and unions, to encourage them to provide training and equal opportunities of employment to female employees.

The coordinator of the Women's Bureau was not very much involved with the establishment of the Yukon Women's Transition Home in Whitehorse, but is in a significant position to be able to assess the impact of government policies on women in general. For this reason, the Women's Bureau bears mentioning as a possible source of assistance to battered women, not through direct service, but through the possibility of policy development and assessment.

B. THE JUSTICE DEPARTMENT'S STRUCTURE AND OTHER SERVICES

The Justice Department is responsible for a number of other programs and branches which are not of particular relevance to this report. These include the Coroner's Office, the Office of Land Titles, Legislative Counsel and Legal Services.

II. YUKON GOVERNMENT DEPARTMENT OF HEALTH & HUMAN RESOURSES

The Department of Health and Human Resources is probably the greatest source of financial and other assistance to battered women, along with the elements of the Criminal Justice system previously discussed. The Department is responsible for the administration of health programs which are under the Yukon Government's jurisdiction. These programs are provided for through the Yukon Health Care Insurance Act, the Yukon Hospital Insurance Act, the Vital Statistics Act, the Medical Travel and Cancer Acts.

The Human Resources Branch of the Department is responsible for the administration of social service programs in accordance with the provisions of the Child Welfare Act, the Social Assistance Act, the Day Care Act, and the Pioneer Utility Grant Act. Juvenile Probation Services are also provided through this branch in accordance with the Corrections and Juvenile Delinquents Acts.

The Programs administered by the Department which would have particular relevance to battered women are the Health Care Insurance and Hospital Insurance Acts, the Medical Travel Act and the Child Welfare and Social Assistance Acts. These programs are further outlined below.

1. HEALTH SERVICES

A. HEALTH CARE INSURANCE (MEDICARE)

The Yukon Health Care Insurance plan was introduced in April of 1972, and with the Yukon Hospital Insurance plan provides a wide range of medical and Hospital services to residents of Yukon. Transients, visitors and tourists in Yukon are not eligible for coverage. The insured services include those rendered by a physician, surgeon or qualified health professional which are medically required.

All residents are required to register for Health Insurance, and failure to register is an offence which under Summary Conviction is liable to a fine. Failure to register however does not exclude a person from coverage.

Premium assistance is available on application to the Branch, based on taxable income for the year. Either full or partial premium assistance is available on an annual basis but only to people who have been resident in Yukon for at least 12 months.

B. HOSPITAL INSURANCE SERVICES

The Hospital Insusrance Services Plan was instituted in July 1980, and is responsible for the payment of services received by Yukon residents in a hospital setting.

C. MEDICAL TRAVEL

This program pays the full travel cost for Yukon residents to the nearest Medical Centre, regardless of the patient's ability to pay providing that the service has been certified to be necessary by a Yukon physician, and that the service is one which is insured by Health Care plans.

The plan provides for the payment of airfare needed in order to enable a patient to obtain treatment which is available only outside the Territory, on approval of the Medical Officer of Health. Under certain circumstances the plan may pay also for an escort.

This program does not apply to Status Indian people, who would apply through Northern Health Services.

2. HUMAN RESOURCES

The Director of Human Resources is responsible for the Vocational Rehabilitation Program, Macaulay Lodge (Seniors facility), Alcohol and Drug Services Centre, Juvenile Probation Services, Placement and Support Services, and Community and Family Services.

Within the Whitehorse area, social workers carry a relatively specialized case load, for example a worker who assists with clients with respect to Social Assistance matters does not also deal with clients with problems related to Child Welfare concerns. Outside Whitehorse, social workers carry generalized case loads, and provide a range of services for which the Department is responsible.

A. THE SOCIAL ASSISTANCE PROGRAM

This program comes under the jurisdiction of the Director of Human Resousrces. In the Whitehorse area, the program is delivered by a Supervisor of Social Services, three full time social workers, two part time social workers and one social service worker (as of September 1983). Outside of Whitehorse, the program is delivered by the social workers in the communities, along with the other programs for which the Department is responsible. The current case load in the Whitehorse area is approximately 65 to 70 clients to one worker.

The general philosophy of the Social Assistance program is to provide people in need with sufficient asssistance to maintain a minimum level of health and well-being while maintaining the client's capacity for self-dependence.

i) ELIGIBILITY AND PROVISIONS OF THE PROGRAM

Assistance would be available to women who have separated from their husbands, initially without formal separation procedures. Eventually, a woman might be expected to proceed through the Court system to gain maintenance payments from her husband (enforceable to some extent through the Maintenance Ordinance). The establishment of a separate residence would be expected also in order to demonstrate that a separation had taken place.

Women at the Yukon Women's Transition Home would be eligible to apply for assistance while at the home, depending on their future plans. If they qualify for assistance, they can receive money for "incidentals" and transportation if required while at the home.

Women who wish to leave a community outside Whitehorse in order to come to town, for example to the Transition Home, can have their transportation costs paid by the Department. If the community is close to Whitehorse, they may be driven into town by a social worker.

The decision to provide social assistance is generally made by the individual social workers without the necessity to refer the matter to a supervisor. Delay in decision making is therefore minimized. If immediate assistance is required, for example for food, a voucher can be issued immediately. The social assistance cheques are mailed out to clients and this can take a week or so depending on the mail service. Cheques can be mailed to either a street address or to general delivery.

The Social Assistance Program provides for food, clothing and incidentals, as well as rent. Daycare subsidies are available, as well as funding for "recreational" babysitting costs.

Status Indians who are eligible for social assistance must apply through the Department of Indian Affairs or through their Band Social Assistance Workers. In Whitehorse, social assistance is delivered to the Kwanlin Dun Indian Band members by the Band. Status Indians who are not members of this Band can apply through the Department of Indian Affairs in Whitehorse.

ii) STATISTICS

No statistics are available to reflect the number of women who are requesting social assistance as a result of a separation caused by spousal assault.

B. CHILD WELFARE

The Director of Child Welfare is responsible for the delivery of programs for the protection and welfare of children in Yukon. Generally speaking, social workers in Whitehorse are likely to become involved with battered women as a result of a Child Welfare concern - it is not a "presenting problem" for most clients. One estimate of the proportion of clients who are currently, or have been previously involved in a battering relationship, is as high as one third.

No statistics are kept by the child welfare workers with re [illegible] the number of clients they deal with who have been invo [illegible] still involved in battering relationships. This is perhaps because although the staff are able to provide counselling and advice on a number of "family life" topics, their priority and mandate remains the Child Welfare area.

Referrals to social workers in the Child Welfare area come from the RCMP, social assistance staff, physicians and the Transition Home as well as by self-referral.

Child Welfare programs are delivered through the Department of Health and Human Resources to all Yukon residents, regardless of Indian Status.

C. ALCOHOL AND DRUG SERVICES

Alcohol and Drug Services are the responsibility of the Director of Human Resources. Treatment programs include outpatient counselling, group therapy, assessments, referrals, follow-up and consultation. The Detoxification Centre is in Whitehorse, and provides twenty-four-hour non-medical detoxification services, referral and support. The prevention programs focus on education, training, media campaigns, resource development and consultations. The Department of Health and Human Resources provides funding through a contribution agreement to Crossroads, a privately run residental treatment centre, also situated in Whitehorse.

Alcohol and Drug Services are staffed by a Coordinator, a Senior Addictions Worker, two full time and two part time addiction workers and a Community Addictions Worker. The Supervisor of the Detoxification centre supervises six full time and four part time recovery unit attendents.

There are Community Addictions Workers placed in some communities outside Whitehorse who report through the area social workers and supervisors.

Alcohol and Drug Services are important to women who have been battered for number of reasons. Many women who are involved such relationships have alcohol problems themselves, and some instances of assault occur when either one or both parties have been drinking. In cases where battering occurs only when alcohol is involved, alcohol treatment would appear to be a logical step. Alcohol treatment for men is frequently "prescribed" by the Courts, and the Crossroads treatment centre is used as a resource by the Correctional Centre.

The staff of Alcohol and Drug Services also provide direct service to women who are staying at the Transition Home in Whitehorse. One of the Counsellors holds "open" group meetings in the Transition Home twice a week. The meetings are "open" in the sense that women who have been previously resident in the home can attend, and women are free to attend or not as they wish. While the purpose of these group meetings is to deal with problems related to alcohol and drug abuse, they are run flexibly enough to cover a number of other topics which might be of concern or interest to the participants.

There are no statistics available to indicate how many clients of Alcohol and Drug Services have been, or continue to be, involved in battering relationships.

D. FUNDING OF OTHER AGENCIES

The Department of Health and Human Resources provides services to battered women indirectly by funding other agencies. These include the Yukon Family Services Association ($56,126), the Transition Home ($73,528) and the Crossroads Treatment Centre. The Department also makes funds available to the Child Development Centre and the Rehabilitation Centre in Whitehorse. The Family Services Association, the Transition Home and the Crossroads Treatment Centre are all discussed separately as Private Agencies later in this report.

E. THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES IN COMMUNITIES OUTSIDE WHITEHORSE

The policy-direction, central administration, personnel services and program evaluation functions are all based in Whitehorse. Outside Whitehorse, Yukon is divided into Northern and Southern Regions, each of which has a Supervisor. As already mentioned, outside Whitehorse the social workers carry a generalized caseload rather than a more specialized one. Not all Yukon communities have their own social worker, and some program delivery is carried out by part-time staff.

THE SOUTHERN REGION

The supervisor for the Southern Region is based in Whitehorse, and there are social workers placed in the communities of Watson Lake, Teslin, and Haines Junction. The worker who covers Carmacks is based in Whitehorse.

COMMUNITY OFFICE	STAFF	OTHER COMMUNITIES
Watson Lake	1 social worker	
	1 social service worker	
	1 clerk typist (7/8 time)	
	1 community addictions worker (contract - 1/2 time)	
	1 community addictions worker (contract - full time)	in Upper Liard
Teslin	1 social worker	
	1 clerk typist (part time)	
	1 community addictions worker (contract - 1/2 time)	
	1 community addictions worker (contract - full time)	in Carcross
	1 social service worker (contract)	in Carcross
Haines Junction	1 social worker	
	1 clerk typist (part time)	
	1 community addictions worker (contract)	
Carmacks/ Klondike Highway	1 social worker	in Whitehorse
	1 community addictions worker (contract)	

THE NORTHERN REGION

The supervisor for the Northern Region is based in Dawson City, and there are social workers placed in the communities of Dawson, Faro and Mayo, as follows:

COMMUNITY OFFICE	STAFF	OTHER COMMUNITIES
Dawson City	1 social service worker	
	1 clerk typist (part time)	
	1 community addictions worker	
	1 social service worker (contract)	in Old Crow
	1 community addictions worker (contract)	in Old Crow
Faro	1 social worker	
	1 clerk typist (part time)	
	1 social service worker (contract)	
	1 community addictions worker	in
	1 community addictions worker	Ross River
Mayo	1 social worker	
	1 clerk typist	
	1 community addictions worker	
	1 social service worker (contract)	in Elsa

While this specifies the distribution of Human Resource staff in Yukon communities, it must be remembered that the staff cover communities other than their own, for example the office in Haines Junction also covers communities such as Destruction Bay, Burwash and Beaver Creek.

III. EDUCATIONAL AND EMPLOYMENT PROGRAMS

There are no educational or employment programs which apply specifically to battered women, although there are some which are directed to women in general who wish to re-enter the workforce (or who wish to gain employment for the first time).

This section discusses the Primary and Secondary School systems in the Yukon, as well as the opportunities for advanced education and employment. Services provided by both the Yukon and Canada Governments are included here because it is extremely difficult to separate the two. Training spaces are purchased at Yukon College by the Federal Department of Manpower and Immigration, and some financial assistance can be given to students by both governments for the same courses, and at the same rates.

1. YUKON DEPARTMENT OF EDUCATION, ADVANCED EDUCATION AND MANPOWER

This Department is responsible for the administration of primary and secondary schools in Yukon, as well as more advanced educational and apprenticeship programs.

A. ELEMENTARY AND SECONDARY SCHOOLS

i) SCHOOLS IN YUKON

In January 1984, there were 4,507 students enrolled in Yukon Primary and Secondary Schools, from Kindergarten to grade 12. More than half of these students were enrolled in school in Whitehorse.

WHITEHORSE

There are ten schools in Whitehorse which form part of the "regular" school system; six elementary schools, three high schools which include grades between 6 and 9, and one high school providing instruction for grades 10 to 12.

SUPERINTENDENCIES

Area 1 includes all junior secondary and secondary education in Whitehorse and all schools situated north of Whitehorseoff the Alaska Highway.

Area 2 includes all Whitehorse elementary schools and all schools on the Alaska Highway as well as Carcross.

Many of Yukon's schools are small, with enrollments varying from 6 to over 500. Out of 26 schools, there are ten with an enrollment of less than 100 students.

ii) SCHOOL COMMITTEES

Yukon has school committees rather than school boards. The school committees are basically advisory boards. Committee members are elected to a two-year term of office, and a school committee may request the Regional Superintendent, after consultation with the Principal, to "authorize a course study or modification of a course of study or a textbook or other instructional material of apparatus for a specified period of time." School Committees may also "advise", "make recommendations ", and "request" and "discuss" a number of matters with the Regional Superintendent or school Principal with respect to the use of school time, the addition of facilities, appointments of staff, etc.

iii) CURRICULUM

Yukon schools use the British Columbia School Curriculum with some adaptation where appropriate, thus all texts in use have been approved by the British Columbia Department of Education.

There is no policy or direction given by the Department of Education with respect to family life education or similar courses, although social studies and guidance are compulsory subjects between grades 8 and 11.

From time to time, lectures and presentations on topics of social significance may be given by members of Government Departments or Community Agencies, for example with respect to alcohol and drug abuse.

iv) DISCUSSION

The topics presented here are those arising from discussion with members of the Department of Education as well as others less directly involved in the school system.

TIME PRESSURE

The Department of Education reports that there is a great deal of pressure from community groups to provide more and more education in "social" areas, for example about alcohol and drug abuse. There are however only five hours in an average school day, and there is a limit to what can be added to the school curriculum without losing something else.

PUBLIC OPINION

There is always a certain amount of public pressure to include or exclude certain programming from schools. For example, there has been some pressure placed on Whitehorse schools to continue to depict the the traditional family as two (married) parents and children, despite the fact that a very large proportion of families are headed by single parents. Any attempt to include topics of "social significance" may well run into community opposition.

CORPORAL PUNISHMENT

It has been pointed out that education provided within the school system regarding the inappropriateness of violence conflicts with the practices in use by the school system itself, given that Corporal punishment can be administered in Yukon Schools.

Notwithstanding the above pressures of time, smallness of schools, public opinion and the use of corporal punishment in the school system itself, there is support for the view that the subject of family violence should be dealt with at some point within the school system.

B. HIGHER EDUCATION

There are no universities in Yukon, and the only institution providing up-grading as well as post-secondary education in Yukon is Yukon College, situated in Whitehorse.

The courses offered at the college vary from year to year, depending on demand. Applicants can be accepted with or without the completion of Grade 12, can receive some financial assistance through the Canada Employment Centre or the Government of Yukon.

Courses offered at the college may include Basic Training and Skill Development (BTSD), to prepare students for further training by developing academic skills up to the grade 10 level. This course is individually tailored to the student's pace, and varies in duration. Students can receive financial assistance from the Federal or Yukon Government to take this course.

EMPLOYMENT ORIENTATION FOR WOMEN

is a course which is designed to assist women in self-assessment skills related to employment, to assist in the development of job search skills, and to develop coping techniques while on the job. No academic requirements are required for entry.

OPTIONS FOR SINGLE PARENTS

is a course with the intention of building self confidence and experience to the extent that the participants can become employed. Most of the students have been sponsored either by the Department of Indian Affairs or Department of Health and Human Resources, and have been recipients of social assistance.

The course is eight weeks long and is offered once a year. The class enrollment is limited to between eight and twelve people.

PRE-TRADES TRAINING FOR WOMEN

offers women an overview of a variety of trades, and trades-related occupations, through four weeks of "hands on" training as well as other instruction. The course duration is 9 weeks. No minimum level of education is required to take this course.

CAREER LIFE PLANNING

It is a 30 hour course offered on either a full time or part time basis. Students can be sponsored by Manpower & Immigration to take the full time course.

Some apprenticeship training courses are available, as well as more "standard" training, such as secretariat, certified nursing assistant, electronics, camp-cooking, etc.

While the main Campus of Yukon College is in Whitehorse, some services are provided in Mayo, Dawson, Teslin, Carcross and Watson Lake through community learning centres, and through two classrooms, one in Watson Lake and one in the Friendship Centre in Whitehorse. Services include career counselling and admissions to the college, as well as the provision of some short courses and basic upgrading.

C. ASSISTANCE PROGRAMS

(a) YUKON GOVERNMENT

The Department of Education, Advanced Education and Manpower can provide some assistance to people who wish to take courses at Yukon College or outside the Territory.

i) THE TRAINING ALLOWANCE

The training allowance can be paid to people taking courses at Yukon College, including academic upgrading. The allowance provides $70 per week for an adult, $30 for the first and $15 for the second and subsequent dependents. A woman with two dependent children who wished to attend the college would therefore receive $115 per week.

ii) THE YUKON STUDENT'S FINANCIAL ASSISTANCE ACT

This act allows the provision of financial assistance to students wishing to take post-secondary training (not upgrading) in either Yukon or other jurisdictions. Assistance can be received by students either over or under 19 years of age, however there are eligibility criteria with respect to previous education received in Yukon, as well as residence requirements which may limit its applicability.

iii) THE CANADA STUDENT LOANS PROGRAM

The Canada Student Loans Program, funded by the Federal Secretary of State, is administered in Yukon by the Students Financial Assistance Committee of the Department of Education.

(b) FEDERAL DEPARTMENT OF MANPOWER AND IMMIGRATION

i) TRAINING PROGRAMS

Under the provisions of the National Training program, the Department is able to purchase space in training programs offered by educational institutions, as long as the programs are employment or skill-oriented. In Yukon, almost all the courses offered by Yukon College qualify for sponsorship. Courses which are not eligible include part time and leisure courses.

Applicants for sponsorship may be receiving Unemployment Insurance Benefits, or can receive a training allowance at the same rate as that provided through the Yukon Government.

Tuition fees can be covered through sponsorship, and if a course is being offered outside Yukon, travel cost can also be paid. Students receiving social assistance benefits qualify for sponsorship, however, it is not known whether the social assistance payments would be continued if the student were to attend a course outside Yukon - this situation has not yet arisen.

ii) EMPLOYMENT PROGRAMS

The Department of Manpower and Immigration is responsible also for the administration of programs offered through the Canada Employment Centre in Whitehorse. This is the only centre in Yukon, although there are outreach services in Watson Lake, Mayo, Dawson City and Haines Junction. Job openings are also advertised on the radio.

Women who wished to seek employment, particularly in the non-traditional trades area, would be eligible to benefit from the subsidy programs offered to employers by the Department of Manpower and Immigration.

1V. HEALTH SERVICES IN YUKON

Hospitals, nursing stations and health centres are administered in Yukon by the Federal Department of Health and Welfare. There are four hospitals, two nursing stations, ten health centres and five health stations in Yukon.

Some emergency and first aid services are delivered by Community Health representatives, a Lay Dispenser, and volunteer Ambulance Drivers.

Mental Health Services in Yukon are delivered through the Federal Department of Health and Welfare. The staff include two Psychologists, two Mental Health Nurses and a Native Mental Health Coordinator.

There are 25 private physicians in Yukon, 20 of whom practice in Whitehorse. Outside Whitehorse, there are doctors in Mayo, Faro, Dawson City, Watson Lake and Haines Junction. The doctor in Haines Junction is not in regular practice.

V. YUKON HOUSING CORPORATION

The Yukon Housing Corporation was established in 1972, and is responsible for a number of housing programs in Yukon. These programs include the Public Housing Program, Housing for Senior Citizens, Staff Housing for Yukon Government Employees, and the Government buy-back plan, which purchases housing units from Government employees who terminate their positions but are unable to sell their homes on the open market. The Corporation also has a rent- supplement program, and is involved in the Rural and Native Housing Program with the Canada Mortgage and Housing Corporation and the Council for Yukon Indians.

The program which would be of most significance to battered women would be the Public Housing Program which provides housing with rent geared to income.

The Corporation has a Board of Directors, appointed to an overlapping fixed term of office. The Board of Directors is responsible for setting the policy of the Corporation, but is accountable to the Yukon Legislature and Cabinet for its mandate and major policy decisions.

The day-to-day administrative responsibilities for the Corporation's programs and units fall within the jurisdiction of the Local Housing Associations in communities outside Whitehorse. In Whitehorse, the programs fall within the jurisdiction of the Whitehorse Housing Authority. This authority operates with more independence than those in communities outside Whitehorse.

The Local Housing Association Board members are appointed by the Board of Directors of the Yukon Housing Corporation. They are responsible for the allocation of units, recommendations for evictions and resolution of tenant relations problems. Most local authorities have a Housing Manager.

There are Local Housing Authorities in Whitehorse, Haines Junction, Carcross, Teslin, Watson Lake, Carmacks, Ross River, Dawson City, Mayo and Pelly Crossing.

There were 526 units in Yukon in 1982 which fell under the programs administered by Yukon Housing. 120 units were for Yukon Government staff accommodation. The remaining 80% were part of the Public Housing Program.

SUMMARY OF FACILITIES AND UNITS IN YUKON (1981-82)

COMMUNITY	TOTAL UNITS
Beaver Creek	7
Carcross	10
Carmacks	23
Dawson	69
Destruction Bay	8
Elsa	2
Faro	19
Haines Junction	29
Mayo	19
Old Crow	6
Pelly Crossing	7
Ross River	25
Swift River	6
Teslin	20
Watson Lake	54
Whitehorse	202
TOTAL	526

VI. THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

The Federal Department of Indian Affairs and Northern Development is responsible for the delivery of a number of services to Status Indian people in Yukon. Of particular relevance to the provision of services to battered women in Yukon are the Department's cost-sharing of funding for the Transition Home, and the Department's responsibility for the delivery of social assistance to Status Indian people. The Department is also involved in the provision of policing services in Native communities, in conjunction with the RCMP and the Yukon Department of Justice.

VII. PRIVATE AGENCIES

Private agencies are extremely important in the delivery of a variety of services in Yukon, and are therefore dealt with as a separate category, even though many of the agencies may depend almost entirely on either Federal or Yukon Government funding. There is no funding source in Yukon similar to the United Way, consequently the only funding sources other than Government are private foundations (mostly outside Yukon) and private donations.

Few private agencies provide services only to battered women, although many provide either direct service or referral to battered women who may ask for assistance. The agencies mentioned in this section are those which could be said to provide a 'significant' service to women in distress, consequently the Yukon Women's Transition Home is given some prominence.

1. KAUSHEE'S PLACE (YUKON WOMEN'S TRANSITON HOME)

Kaushee's Place is the only women's transition home in Yukon, and is situated in Whitehorse. The Home was opened in 1980, and now receives funding from the Federal Department of Indian Affairs and the Yukon Government Department of Health and Human Resources. The home was developed with a major impetus from the Yukon Indian Women's Association, and it was intended that the needs of both Native and non-Native women would be fulfilled. Over the years, the clientele has been almost equally Native and non-Native, and the home does have some Native staff and board members.

A. OBJECTIVES AND STRUCTURE

To provide a short-term, supportive, home-like environment for women in a crisis or transition period of their life without discrimination by reason of race, national origin, colour or religion.

To lease, buy, renovate, or manage housing to meet the objectives of a short-term residence for women in need.

To provide information and guidance to residents to assist them in exploring alternatives for resolving their personal problems and crises.

To interpret and refer residents to counselling, educational, training, and employment opportunities.

To reduce social isolation and alienation by introducing residents to social, recreational, and cultural opportunity within the community.

To cooperate with various other social agencies and women's groups in developing new programs and services needed for women but not currently available and to improve the efficiency, effectiveness and responsiveness of the existing programs and services.

The Constitution originally specified that the Board of Directors should consist of approximately 14 elected members, with the recommendation that particular agencies or societies should be represented. This requirement has since been dropped, and the board members are elected as individuals rather than as representatives of a particular interest. There are currently 11 board members.

B. FUNDING ARRANGEMENTS AND STAFFING

i) FUNDING

The current funding arrangements are unanimously perceived to be a great improvement over the previous year. During the 1983-84 fiscal year, a block-funding arrangement was entered into, with contributions being made by the Department of Indian Affairs and the Yukon Department of Health and Human Resources ($73,528 each). This funding structure means that a woman can come to the home herself, or can be referred by a social worker, the RCMP or any other agency without having to be approved for funding through social assistance. Unfortunately, it is unclear whether such block funding can continue in the future. The previous funding required that women be interviewed during their stay (or before they arrived at the home) to determine their eligibility for social assistance. This meant that an immediate response could not always be made by social workers, a frustrating situation to both women requiring assistance, and the social workers themselves.

Strictly speaking, funds received from the Canada Assistance Plan to operate 'homes for special care' including transition homes cannot be delivered through block funding. All those who wish to make use of such a facility must, under the provisions of the Canada Assistance Plan, be certified to be 'in need' as determined by an individually applied needs test. This means that funding which is cost-shared through the Canada Assistance Plan is delivered on a per diem basis, an arrangement which has been deemed as unsatisfactory by almost everyone who has had contact with the home.

During the 1983-84 fiscal year, the home received some money from private donations, and was able to employ a summer student through the Federal Department of Employment and Immigration. The Home also receives funding through the Federal Department of Northern Affairs for a full-time Northern Affairs Trainee. This position is likely to be funded for one year.

The Home is not owned by the Society, but rented from the Federal Department of Public Works through the Yukon Housing Corporation.

ii) STAFFING

The Home has 4 permanent staff including the Director, one senior, and two regular house staff. There are also the full-time Northern Affairs trainee as well as four casual staff.

The Home is staffed for a 24 hour period which is divided into three shifts. There are two staff present during the day, and one present during the evening and at night.

Staff training is largely 'on the job' although the staff do have access to workshops and seminars offered by, for example, Alcohol and Drug Services - a branch of the Yukon Government Department of Health and Human Resources. Some funding is provided in the budget for staff training purposes, and this allows casual staff to be hired when the regular staff are taking training courses.

The Home has a paid bookkeeper.

Requests have been made by the Society in their annual budget submissions for the addition of a full or part time child care worker to the staff complement, as well as for the consideration of providing salary levels which are comparable to those paid for similar positions in Government or other agencies. No Job Audit has yet been carried out at the Home to determine the basis on which salary parity could be determined.

C. OCCUPANCY AND PROGRAMMING

i) OCCUPANCY

The Home has a capacity of 20 women, and from time to time has been somewhat overcrowded when large numbers of children are accommodated. From January 1983 to January 1984, there were 119 women and 131 children received by the Home. These figures refer to separate admissions - in other words, 119 different women stayed at the Home during the year.

It is not yet possible to determine whether the block funding has significantly affected the occupancy rate of the Home, although it is felt that it has been more fully occupied since the per diem type of funding ceased in March of 1983.

Women from all over Yukon have stayed at the Home for varying periods of time. During the six month period between April and September of 1983, about half of the women whose place of residence was recorded came from Whitehorse, and the remainder came from ten other communities. The majority of the women who stayed at the Home were there because of physical or sexual abuse to either themselves or their children. About one third of these women were ready to be on their own when they left the Home (there were 93 women and 91 children resident at the Home over the six month period in question).

A review conducted in March of 1983 showed that the average length of stay at the Home was about eight days, ranging from a few hours to three months. About three quarters of the residents stayed 14 days or less. The review indicated that women from outside Whitehorse stayed at the Home for longer periods of time. There is an impression that the block funding has affected the length of stay also, and that women may be staying at the Home longer. In the past, under per diem arrangements, the length of stay was often restricted by social workers from the Department of Health and Human Resources. It is too early however to determine whether this impression is accurate.

ii) PROGRAMMING

The Home provides referral to other agencies, as well as some counselling. Group meetings are held twice a week at the home by one of the counsellors from Alcohol and Drug Services, and these are open to previous residents also if they wish to attend. While these groups are directed towards questions of alcohol and drug abuse, they are structured loosely enough to accommodate other topics in which the women may be interested.

The Director would like to see further program development take place at the Home, but there is a shortage of staff time to be devoted to this because of the day-to-day requirements for the Home's management, as well as administrative duties. It is hoped that in the future more programming could be provided by other agencies in town such as Mental Health Services.

Counselling is difficult to provide adequately because much of the opportunity occurs in the evening when there is only one staff member on duty. This may be a concern because the Home has received criticism from some quarters for the apparent lack of counselling which takes place. Given that most people would visit the Home during the normal working day, the counselling which occurs at other times may just not be visible, further the type of counselling offered is very informal and may not be recognized by some as counselling at all.

The problem and concerns of individual residents are discussed at regularly held staff meetings.

D. STATISTICS

The Yukon Transition Home is the major source of statistical information about battered women in Yukon, simply because at this time the Home is the only organization which is concerned with battered women specifically. Statistics with respect to the number of clients are collated quarterly for funding purposes, and other information about the reasons for seeking assistance, place of residence, etc., are collected from the clients. The information collected by the staff of the Home is far from exhaustive, however it is the best available. It must be remembered though, that however detailed the statistical reporting became at the Transition Home, the picture which could be compiled would be far from complete because of the dearth of information available from other sources.

2. YUKON FAMILY SERVICES ASSOCIATION

A. STRUCTURE AND FUNCTION

The Yukon Family Services Association is a non-profit organization which receives the great majority of its funding from the Yukon Department of Health and Human Resources. During the 1983-84 fiscal year, the Department provided $56,126 in block funding to the agency, and approximately $3,700 were received in fees paid by clients. Some money is available also through the rental of office space to the Family Life Education Program. The Yukon Family Services Association has one paid Executive Director/Counsellor and an executive secretary, and maintains a library of resource materials which are available to community groups and individuals.

The agency has a fifteen member volunteer Board of Directors and a Yukon Government liaison person who is non-voting.

The purpose of the agency insofar as it is relevant to spousal abuse is '... to contribute to harmonious family inter-relationships ... and to promote healthy personality development and satisfactory social functioning of various family members.'

B. SERVICES PROVIDED

The services offered to women who have been battered include counselling, for which there is a fee based on a sliding scale ranging from $5.00 - $25.00 per session. If the client is employed by the federal or territorial government the fee will be paid through the Employee Assistance Program. The agency also sponsors the STEP (Effective Parenting) program.

The agency offers counselling services to all family members, either together or separately. During 1983, about 18% of their clients had been involved in battering relationships.

C. CLEARING HOUSE ON FAMILY VIOLENCE

The Family Services Association has been designated as the Clearing House for the Committee on Family Violence. Thus the agency can provide services not only to battered women themselves, but also to Government Departments and agencies which deal with them, through the provision of information and resource materials.

It is the role of the Family Services Association as the Clearing House for material on family violence which is of concern here. As is evident from the rest of this report, there is a great need for the collection and dissemination of information about family violence in general and spousal assault in particular. The Yukon Family Services Association mentions its designation as Clearing House on its information pamphlet, however, there appears to have been little activity with respect to the distribution of material, in fact the material has not been catalogued. Cataloguing for the resource library is done by a volunteer library committee, but the clearing house material is considered to be separate from the rest of the resource materials. It does take some considerable time to catalogue materials, particularly if they are to be identified by subject, however uncatalogued and undisseminated material is not useful to individuals or groups seeking resources.

Some recommendations are presented here with respect to the role of the Family Services Association as Clearing House because the proper distribution of information is crucial to the development of a public awareness with respect to spousal assault.

3. CROSSROADS TREATMENT CENTRE

The Crossroads Treatment Centre is a privately operated residential alcohol and drug treatment facility, situated in the same building in Whitehorse as Alcohol and Drug Services. The centre has a capacity of 29 beds, 8 of which are allocated to women.

A. THE PROGRAM

There is a 28-day residential treatment program, which has a strong emphasis on personal growth, stress management, the development of interpersonal skills, and self-awareness.

Participants in the program are accepted through self-referrals, or referral from private and public agencies. Inmates from the Correctional Centre can be accepted on pre-release or temporary absence programs. Parolees would be received at the centre after the process involved in attaining a parole decision.

Funding for the Centre is provided by the Yukon Government's Department of Health and Human Resources and the National Native Alcohol and Drug Abuse Program (Health and Welfare Canada). It is hoped that some funding might be received from the National Parole Service should a streamlined parole process be developed.

B. SERVICES TO BATTERED WOMEN

The service delivered to battered women through Crossroads would be largely indirect, by providing alcohol treatment to an assaulting spouse. The Centre allows and encourages both spouses in a relationship to take part in counselling, whether or not both spouses are alcoholic.

The provision of treatment to batterers requires that the battering behaviour be identified at some point during a client's stay at the Centre. In some cases, the behaviour is identified in the information received from a referring agency, however there is no guarantee that this would be identified. It is less likely that assaultive behaviours would be identified from a self-referral. There is an assessment period during the first week of treatment, however, the subject of spousal assault is not always brought up during this process.

If battering were identified as a problem, a client might be referred to Mental Health Services, however, it is felt that the alcohol problem must be addressed before any further treatment can take place.

Thus, should a treatment group be developed for battering men, the most appropriate time for attendance would be after alcohol treatment, not before or during. This topic was addressed under 'Mental Health Services' in this report.

4. MARYHOUSE

Before the establishment of the Women's Transition Home in Whitehorse, Maryhouse was perhaps the major refuge for battered women. Since the Home's development, the staff at Maryhouse state that the number of battered women requesting assistance has dropped off substantially, and in fact the staff refer women who admit to being battered to the Women's shelter for assistance. Maryhouse does remain one of the main sources of assistance for women who are not ready to admit to being battered, and it is possible to stay there without telling the staff what problems are being experienced. The facility therefore does provide a significant service to battered women.

Maryhouse is registered as a non-profit charitable organization and operates largely on private donations. Staff members belong to a religious order, but everyone is welcome and services provided are completely nondenominational. The Federal Department of Indian Affairs and the Yukon Department of Health and Human Resources provide per diem funding for some residents, but most clients are unfunded.

Essentially, Maryhouse provides food and shelter on a temporary basis for women in Whitehorse who are in distress, and for people from out of town who have no other place to go. There are twelve beds and two children's cots. The House accommodates between 40 and 60 people per month, and of this number about two to three per month may be battered.

The staff provide 'common sense counselling' and will give information about legal procedures such as Peace Bonds. Generally speaking, the staff try to encourage women who are battered to go to Kaushee's Place because the staff there are more experienced, the facilities are better and there is more privacy.

5. SKOOKUM JIM NATIVE FRIENDSHIP CENTRE

The major involvement with battered women by the staff of the Friendship Centre would be in providing information and a referral service, primarily to Native people in Whitehorse. Funding for the Centre is received from the Secretary of State (core funding), National Health and Welfare (National Native Alcohol and Drug Abuse Program), and other Canada and Yukon Government Departments varying from project to project, for example; the Federal Youth Employment Program.

The Centre has recently constructed a new facility and it is expected that a wider range of services will be offered in the future.

6. CRISIS LINE

All funding for the crisis line is raised privately, and the service is operated entirely by trained volunteers. The Crisis Line has had to cut back on its service recently, and now operates on a system whereby phone calls made to the crisis line's number are redirected to a volunteer's home number. If no volunteers are available, there is an answering machine which delivers a recorded message giving telephone numbers for services such as the RCMP, the hospital, Transition Home, etc.

Since the service has been cut down, the quality of the records kept has declined. There have been calls from women in distress over the last few months, however, and the volunteers provided 'crisis listening' as well as telephone counselling and referral. Collect calls are accepted, and several calls have been received from communities at some distance from Whitehorse (arctic communities in the Northwest Territories, for example). Generally speaking, long distance phone charges are 'forgiven' by the telephone company.

7. VICTORIA FAULKNER WOMEN'S CENTRE

The Victoria Faulkner Women's Centre is a non-profit organization which acts mainly as an information and referral centre, primarily to women. The bulk of the funding for operating costs comes from the Federal Secretary of State, and there is one paid coordinator. Other positions are generally filled by volunteers, although this year the centre has been able to acquire the services of a Katimavik program participant who works essentially full-time. There is a volunteer Board of Directors of at least five people.

The Centre has an extensive library of books and resource materials, and provides information to other communities and groups on request. The Centre is also involved in Public Education in conjunction with the Ad Hoc Committee on Family Violence which has been established in Whitehorse.

Staff from the Centre have on occasion advocated for women who wish to obtain, for example, a Peace Bond, but who may not wish to contact the Transition Home.

There are no statistics collated at present with respect to the number of women who have requested assistance as a result of battering, but it is anticipated that these will be available by the end of the fiscal year. It is stated that women do frequently request information with respect to battering, but the problem may be mentioned as a side issue, rather than as the major reason for their request for assistance.

III. INITIATIVES

PREAMBLE

The review of gaps in services and problem areas has yielded a comprehensive set of directions for immediate program response and longer term policy development.

Some of the initiatives outlined in this section are in fact already under way because their urgency was recognized.

There is a transition house in every province and territory. (See list attached). This is a major accomplishment in such a short time. However, it is very obvious that wife battering is a series of interrelated problems that requires action on many fronts at once, not only refuge for the victim.

To all jurisdictions this has meant that a fair criminal justice system must also be flexible and responsive to community needs. It must also be backed up with counselling programs, victim witness assistance, support services, and in-depth research. Social service response must include enough options that assistance on one front does not become self-defeating on another. Information sharing must ensure that referrals are made and services not duplicated. Sufficient data must be available to allow accurate planning, and serious evaluation of projects. Research must be conducted to permit the development of models that truly reflect community differences and needs.

It was seen as most essential to address the immediate and short term. This was because all participants recognized that there were certain immediate problems that could be handled, and more importantly that any attempts at projecting for the long-term would not likely be effective. The reason is simple - events are proceeding so quickly, and knowledge is building on a daily basis. Understanding of many of the complex issues is still immature, and there is certainly not enough known yet to commit resources to long term approaches that may prove ineffective. As well, services and policy changes in some areas have clearly moved ahead of work in other areas causing a lack of the needed integration of services that make effective responses.

So in summary, there was agreement from all participants that:

1. Research on incidence is needed to plan services;
2. Research and information sharing mechanisms are crucial to avoid duplication and to maximize efforts;
3. Social service response needs bolstering and better integration;
4. Transition houses need assistance and information on services;
5. Police support by the community and continuing police training is crucial;
6. Evaluation of treatment models is needed before any decision is made on health care vs corrections as the place of treatment, or the kind of treatment;
7. Increased federal/provincial/territorial co-operation is needed to dovetail government response and share information;
8. No progress is possible without a change in attitudes through public education on the unacceptability of wife battering;
9. Long-term planning was not appropriate at this stage because expertise is not well-enough developed;
10. The federal/provincial/territorial working group would need to provide ongoing monitoring and further development of government response to wife battering.

TRANSITION HOUSES AND SHELTERS FOR BATTERED WOMEN IN CANADA

Northwest Territories	1
Yukon	1
British Columbia	27
Alberta	9
Saskatchewan	6
Manitoba	5
Ontario	51
Quebec	34
New Brunswick	8
Nova Scotia	2
Prince Edward Island	1
Newfoundland	2
TOTAL	147

1. FEDERAL/PROVINCIAL/TERRITORIAL AREAS FOR JOINT CO-OPERATION AND INITIATIVES TO RESPONSE TO WIFE BATTERING

INTRODUCTION

Several areas under discussion have led to the conclusion that further federal/provincial/territorial consultation and co-operation were needed in order to resolve the problems, as well as to make the best use of resources and avoid duplication of effort.

INITIATIVES

1. All jurisdictions will co-operate to share research information, data collection, and evaluation of pilot projects to further develop government expertise and capacity to respond.

2. All jurisdictions will ensure the integration of the relevant wife battering items in federal/provincial/territorial officials meetings of other areas such as: justice; solicitor general; health, social services; education etc. as appropriate.

3. The federal/provincial/territorial working group of officials will continue to act as the monitoring body for the implementation of these initiatives.

4. The federal/provincial/territorial working group of officials will report annually to the Meeting of Federal/Provincial/Territorial Ministers Responsible for the Status of Women on:

    A. Implementation of these initiatives
    B. New developments
    C. Further initiatives as appropriate.

2. FEDERAL INITIATIVES RESPONDING TO WIFE BATTERING

INTRODUCTION

The federal government had several reference points when looking at gaps and problem areas in services for battered women and their families. The following reports had already made recommendations for federal action:

1. 'Wife Battering - The Vicious Circle', by Linda Macleod, Canadian Advisory Council on the Status of Women, 1980.
2. House of Commons, Standing Committee on Health, Welfare and Social Affairs, 'Inquiry into Violence in the Family - Wife Battering', 1982.
3. Federal/Provincial Task Force on Justice for Victims of Crime, 1983.

All of these recommendations have either been implemented already, or are incorporated into this report.

In addition, other areas were recognized as needing immediate response. These are presented below and should be considered the federal work plan on wife battering for the next two years.

These initiatives will be undertaken immediately. At the same time, the federal IDC will continue to monitor and adjust these activities over the next period, and begin putting the elements together for a longer term approach.

HEALTH AND WELFARE CANADA

HEALTH

The Office of the Senior Adviser, Status of Women (SSW) is working in collaboration with the National Clearinghouse on Family Violence concerning the health issues related to family violence. Seven areas were identified for future work to be done as follows:

1. PLAN OF ACTION - STATUS OF WOMEN

The SAWS as Plan Coordinator for the Department of National Health and Welfare is responsible for a number of Decade Related Activities including the health and welfare input in the formulation of the new Plan of Action - Status of Women Part I 1985-95 and Part II 1995 to the year 2000. In developing health issues to be addressed in the New Plan of Action, the health aspects of family violence will be included. This developmental work which includes identifying obstacles and developing concrete measures to overcome them is now in progress through working Group III Women as Persons, Subcommittee on Health, Social and Other Government Services.

2. LIAISON WITH SENIOR PROVINCIAL AND TERRITORIAL HEALTH OFFICIALS

As a result of the April 27, 1983 Conference of Deputy Ministers of Health, senior provincial and territorial health officials were named to liaise with the SSW on a number of women's health concerns beginning with systematic work on family violence. These officials were made aware of the work of the Federal Provincial Territorial Working Group, the persons involved and the work in progress. It is anticipated that a meeting will take place in Autumn 1984 at which time the health aspects of family violence will be discussed.

3. INFORMATION KIT FOR HEALTH PROFESSIONALS

Development of a specialized information kit intended for use by health professionals with articles and examples of protocols developed and in use in Canadian health facilities outlining procedures to use in dealing with victims of wife assault who present themselves to health professionals for medical attention, will be developed in consultation with the National Clearinghouse which would distribute it.

4. HEALTH PROMOTION

The Health Promotion Directorate has a Women and Health Component which is concerned with increasing the health affirming behaviours of women. Since the current priorities do not exclude family violence from their mandate, the Directorate has been approached to see how it can play a more active role.

5. NHRDP

The NHRDP Program is cognizant of the dearth of relevant health research initiatives and is receptive to proposals addressing the health aspects of family violence.

6. NORTHERN NURSING STATIONS OR HEALTH CENTRES OPERATED BY MEDICAL SERVICES

The nursing station or health centre in the community is the focal point for health services provided in more than 500 communities throughout Canada. Interest has been expressed by Medical Services Branch Personnel for presentation of a workshop on the issue of wife battering.

7. THE DEPARTMENTAL EMPLOYEE ASSISTANCE PROGRAM

The Departmental Employee Assistance Program has been contacted re training about family violence for EAP counsellors.

INITIATIVES (ALL INITIATIVES TO BE STARTED IN 1984-85)

1. A national consultation of programs for treatment for offenders will be held to discuss program models, effects of treatment, coordination of services to victims. The co-operation of the Departments of Justice and Solicitor General will be sought.

2. A broad-based evaluation of treatment programs for offenders will be done, using at least four different programs; funding of evaluation to be co-sponsored with other federal agencies.

3. Federal Departments will co-sponsor a film on services for battered women, made by the National Film Board Federal Women's Film Program; prints of this film is to be made part of the NCFV Family Violence Film Collection.

4. A series of three short television spots on wife-battering to be made by Federal Women's Film Program will be commissioned by federal Departments for use as local public service announcements; spots to include space for a trailer stating local information/sources of help.

5. Information kits for specific professionals will be developed and distributed; models for protocols for identification and treatment of battered women for specific professional groups will be gathered and distributed.

6. Model curricula on family violence for incorporation into programs in professional schools of medicine, nursing, social work and public health will be developed.

7. Seminars on wife-battering will be held for personnel of Medical Services Branch of NHW, particularly for Nursing Stations; cooperation of DIAND will be sought.

8. Training on wife-assault will be done for Occupational Health Nurses.

9. National Clearinghouse on Family Violence will develop the capability to operate a comprehensive information system containing readily-accessible data on Canadian research and programs in the area of wife-battering. Cooperation of governments, groups and agencies in the sharing of information will be sought.

10. NHW funding programs will fund research projects on the inter-generational transmission of family violence, and on the conjunction of various forms of family violence within the same families.

11. An overview of services in transition houses to women and children will be made available for decision-making at the provincial and local levels.

12. An overview of treatment programs for offenders will be made available for decision-making at the provincial and local levels.

13. Province-specific lists of sources for battered women will be made available to professionals and the general public.

SOLICITOR GENERAL OF CANADA

PROPOSED ACTIVITIES

1. The Ministry has identified the area of wife assault as an integral part of its crime prevention and victim assistance initiatives, which have both recently been approved by Cabinet as high priority activities. Part of these initiatives will involved increased support of innovative research and demonstration projects that promote improvements in legal responses to battered women, police training, workshops, and public and professional awareness programmes.

2. From existing resources of approximately $500,000 in fiscal year 84-85, the Ministry expects to allocate at least $175,000 for projects where the primary focus is wife assault; in addition, many of the other victim and crime prevention projects sponsored by the Ministry will also deal with wife assault as part of their overall framework. It is anticipated that the same level of funding would be available in fiscal year 85-86. If requests for additional resources are approved, then more support would be available for wife assault projects.

3. Although much of these efforts will centre around issues related to police policies, it is recognized that the effectiveness of police charging policies can be directly influenced by what occurs after the charges are laid. The charges should serve two goals: to convey to abusive men that it is just as unacceptable to assault their own wives as it is to assault anybody else; and secondly, to convey to assaulted women that help is available through the legal system. Because both of these goals depend to a large extent on the actions of other components of the legal system, the programme and policy initiatives of the Ministry will include a focus on

integrated approaches which attempt to interrelate charging policies to the initial reporting of incidents, witness collaboration, prosecution and court policies, and on ancillary support services needed by battered women.

4. Further directions for the Ministry may be identified through involvement with the Federal-Provincial Working Group on Victims, which is being established to guide implementation of recommendations from the Federal-Provincial Task Force on Justice for Victims of Crime. The particular needs of battered women will be addressed in that process.

5. The RCMP will continue attempts to develop effective statistical reporting systems for spousal assault cases, and where possible, provide assistance on these matters to other organizations. It will also continue to examine and update its training programmes related to spousal assault, and to develop training materials for use by all police agencies.

6. The Ministry will also address the needs of native women who are victims of violence through its northern justice initiatives to improve criminal justice services to the Territories and the native people in western Canada.

JUSTICE

The following initiatives will be undertaken by the Department of Justice:

1. Battered women will be targeted as a priority group in the development of public legal education materials and the funding of projects to develop such material.

2. Directives issued to prosecutors in the Northwest Territories and Yukon regarding the handling of wife assault cases will be monitored and evaluated to determine their effect on the victim and offender.

3. The Department of Justice will consider the evaluation of treatment programs for men who batter in cooperation with the Department of National Health and Welfare.

4. Research into current practices regarding the criminal justice system's handling of wife assault cases will be considered.

5. The role and responsibility of federal and provincial governments in providing assistance and services for battered women will be reviewed. This issue could be referred to the Federal-Provincial Working Group on Victims of Crime who will be examining the responsibility for the delivery of services to victims in general.

6. Alternative methods for funding services for battered women will be referred to the Federal-Provincial Working Group on Victims of Crime who will be examining issues surrounding the funding of victim services.

7. The development of coordinated services to assist battered women will be encouraged together with the provision of information on existing services.

8. The merits of advocacy clinics for battered women will be discussed with provincial Attorneys General to determine whether such clinics usurp the role of the Crown Attorney. This issue could be discussed by the Federal-Provincial Working Group on Victims of Crime.

9. The Criminal Code amendments contained in Bill C-127 regarding assault and sexual assault will be evaluated to determine whether there has been an effect on the handling of wife assault cases.

10. The Department of Justice will consider contributing to the production of a film on services for battered women in cooperation with the National Film Board and other interested federal departments.

11. The Criminal Injuries Compensation Programs will be reviewed to determine whether victims of wife assault are eligible for awards and to determine current practice. This review could be accomplished in consultation with provincial officials participating in the Federal-Provincial Working Group on Victims.

12. The victims' initiatives undertaken by the Department of Justice will identify battered women as a priority for programs, legal education and research.

13. The Federal Working Group on Wife Battering will continue to meet regularly to share information on federal initiatives. The Department of Justice, as chairman of the Federal Inter-departmental Committee on Victims of Crime should ensure that relevant information is exchanged between the two committees.

CANADA EMPLOYMENT AND IMMIGRATION COMMISSION

A. JOB CREATION PROGRAMS

1. The objective of job creation programs is to create jobs for unemployed persons, a goal with different implications from those of providing shelter and supportive services for women who have been abused and their children. The extent to which community groups have turned in the past to job creation programs for funding of projects serving battered women might be regarded as an indication of a need which would seemingly require stable and long term funding. The attention of policy makers to this issue is therefore timely.

2. Job creation programs could play a role in the future as part of a continuum of services for battered women. In particular, both the human resource development objectives of job creation programs and the needs of women using transition houses might be appropriately met through projects providing auxiliary services such as employment counselling, labour market preparation and entry assistance, for those clients who want and need such services.

B. IMMIGRATION

1. In cooperation with Status of Women Canada, the CEIC will undertaken research to determine the numbers of 'immigrants-in-waiting' who face the possibility of being required to leave Canada as a result of a rift in the relationship with the sponsor, for reasons of physical abuse.

2. Guidelines are being issued to assist immigration officers in reviewing cases involving breakdowns of the sponsorship undertaking prior to the granting of permanent residence status to the sponsored spouse. In cases involving brutality, officers are urged to be especially understanding.

3. The CEIC will welcome further discussions with the provinces on the provisions in the Immigration Act which enable provinces to seek to recover certain social assistance payments, including those made to a wife as a result of a rift in the marital relationship from physical abuse.

CANADA MORTGAGE AND HOUSING CORPORATION

Battered wives are an eligible group under Canada Mortgage and Housing Corporation's (CMHC) social housing programs. The program options chosen by sponsors of emergency shelters for battered wives have been the funding of transition homes formerly under Section 15.1 and currently under Section 56.1 of the National Housing Act (NHA).

Public Housing, Rent Supplement and the Non-Profit and Co-operative housing programs which can provide battered wives with shelter on something more than a short term basis have responded to women's needs in general. However, these programs are not targetted to battered wives specifically and do not provide the protection and support that some battered wives and their children may require from a second-s[illegible] housing facility. This last point, however, is not part of CMHC's mandate.

The fundamental gap, or lack of response by CMHC to the needs of battered wives is the limited funding for the sheltered needs of all Canadians, including battered wives and their children. [illegible] annual allocation of social housing units serves a [illegible] shelter needs: low income senior citizens and families, the disabled, natives on-reserve and off, rural households, and the shelter component of nursing care facilities, to name the most prominent.

1. It is the responsibility of sponsors - other levels of government, charitable groups or cooperative organizations - to apply for CMHC social housing assistance on behalf of client groups. There is no national or provincial sponsorship network to apply for shelter assistance on behalf of battered wives. CMHC will co-operate with the Status of Women and the National Clearinghouse on Family Violence to disseminate a coordinated information package on services available to battered wives. The housing component of this package, informing sponsors of capital and housing proposal funding mechanisms will be provided by CMHC.

2. In the context of large, diverse and competing needs, CMHC has responded, within its very limited means of intervention, to the particular special purpose housing needs of battered wives and has provided capital funding assistance for approximately 700 unit/beds in more than 50 emergency shelters across Canada. For 1984, some 192 units have been identified for battered wives.

   Since there is no evidence that capital funding is a problem, it is recommended that current CMHC assistance for transition homes remain unchanged.

3. There is an absence of transition homes and second stage housing for battered wives in rural and remote areas.

   This problem is likely due to a dispersal of needs over large geographic areas. It should also be reinforced by:

   i) the absence of sponsors for such shelters in less densely populated areas of the country;
   ii) scarcity of suitable existing housing units in remote areas;
   iii) a preference for temporary help within the existing social community or with family assistance, rather than in designated projects.

   The existence of these problems needs investigating.

4. Information on CMHC programs which provide battered wives' shelters with start-up and subsidy assistance will continue to be available to sponsors of emergency and second stage accommodation as well as to related women's organizations. However, CMHC recommends that the Status of Women take a lead role in disseminating a co-ordinated information package on the range of services available to battered wives, including the capital and seed funding mechanisms administered by CMHC.

5. Canada Mortgage and Housing Corporation is already directing a certain number of its subsidized housing units to battered wives and will monitor the extent to which they are taken with a view to reporting back to Status of Women on the take-up of these units. This would permit Status of Women to more fully exerce its leadership.

6. Part V of the NHA is available to finance private research proposals which seek to review funding problems inhibiting the creation of emergency shelters for battered wives and their children.

7. Canada Mortgage and Housing will review alternative means of providing shelter assistance to battered wives with a focus being given to specific problems in rural and remote areas and appropriate forms of second stage housing.

8. Canada Mortgage and Housing will seek to improve the access of battered wives and their children to subsidized housing by:

   a) providing the Status of Women and the National Clearinghouse on Family Violence with materials on CMHC programs.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

1. A survey of literature on the factors conducive to the manifestation of family violence should be undertaken, followed by a review of documentation on conditions on Indian reserves. Special note should be made of the research into root causes and prevention proposed by the Ontario Government's Secretariat for Justice. Departmental programs should be examined to determine the extent to which they address those factors conducive to the manifestation of family violence which may be prevalent on reserves. The results of this work should be shared with the Department of National Health and Welfare, especially insofar as it may relate to the use of alcohol and drugs.

2. The Department has provided and will continue to provide assistance to other Departments and provincial governments on initiatives related to battered Indian women.

POLICE SERVICES

3. The capacity of police serving reserves to respond to wife-battering situations will be examined in terms of special training, authority of officers, instruction and direction given officers, area of service and proximity and frequency of patrol. The national policing policy review is a good starting point for this examination.

COURTS

4. The Department will study the authority and jurisdiction of Justices of the Peace appointed under the Indian Act and by provincial governments with a view to considering whether more Justices of the Peace should be appointed under the Indian Act.

The Department will liaise with consultants engaged by the Department of Justice and Ontario Secretariat of Justice to study the needs of battered Indian women as victims of crime and in general.

THE MATRIMONIAL HOME

5. The Department will study the provisions of the present Indian Act and the interface of provincial family property law as they concern possession of and temporary removal from the matrimonial home. The results of such studies will be borne in mind in discussions of delegated legislative authority and consideration may be given to amendment of the Indian Act if required. Of course, any changes in existing legislation or to delegated legislative authority will be subject to consultation and negotiation with Indian band governments and Indian organizations.

HEALTH SERVICES

6. The Department will discuss with the Department of National Health and Welfare the division of responsibility for services for battered women. In the event that National Health and Welfare plans to provide workshops on battered women for personnel in nursing stations and health centres serving reserves, the Department is prepared to discuss how it might facilitate such workshops.

SOCIAL DEVELOPMENT

7. The Department will conduct a survey of its social services practices as they relate to battered women. The eligibility criteria for per diem assistance will be studied to determine whether the husband's income is taken into consideration.

8. Consideration could be given to introducing a shortened means test if such is not already in place in all regions.

9. The Department will monitor closely any discussions by provincial governments on the issue of per diem reimbursement versus advance funding for transition homes. For such transition homes that might be opened on reserves, the Department will conduct its own study on funding.

10. The merits of identifying existing or new services used by battered women as separate services, for accounting and planning purposes, may be studied. A survey of regional social services managers will ask them to estimate the usage of their services by women seeking those services as a result of a battering situation.

11. DIAND will study the use of Band or DIAND social worker counselling services by battered women with a view to possible modifications of para-professional training.

12. Consideration may be given to publicizing through an information campaign those services now available. The feasibility of a 'hot line' service may be considered.

TRANSITION HOMES

13. The Department will consider transitional housing in any examination of special housing needs.

14. Consideration may be given to offering financial assistance to reserve residents who provide temporary shelter 'safe homes'.

EDUCATION

15. Consideration may be given to how courses on human relations dealing particularly with the situation of battered women might be introduced into the curricula, beginning with federally operated schools. The implications of this for teacher training would also be examined.

GENERAL

16. The feasibility of a campaign to sensitize Band Councils and Band members in general to the needs of battered women could be studied in conjunction with the Native Women's Association of Canada, and the Assembly of First Nations or their designates, as they would be asked to co-sponsor such a campaign. Multi-departmental financial support would likely be sought.

Such a campaign could place emphasis on the criminal nature of wife assault.

17. This Report will form the basis for consultations with Native Women's Associations and the Assembly of First Nations. Priority areas of study will be discussed. Other areas may be added.

Discussions will be entered into on the following premises:

1. that native women should determine the priority areas for study;

2. that any work which is done in this area should not be at cross-purposes with the trend towards greater Indian autonomy; and

3. that it is appropriate to focus on this issue at this time in order to give it a high profile as Indian governments move towards greater powers and responsibilities.

Efforts will be made to coordinate the Department's action with that undertaken by other Departments and provincial governments as well as non-governmental organizations.

SECRETARY OF STATE CANADA

1. Changing the conditions in our society which permit the continuation of violence as a threat to women is a long term purpose. For 1984-85 violence against women will continue to be a funding priority at Women's Program.

2. Native Friendship Centres will be approached to determine the possibility of their investigating the types of support they could offer to battered native women.

STATUS OF WOMEN CANADA

1. Status of Women Canada, in co-operation with C.E.I.C., will undertake a short summer student project to collect data on the incidence of battered women immigrants-in-waiting who face the possibility of being required to leave Canada if their spouses withdraw sponsorship. (Summer, 1984).

2. Status of Women Canada will co-ordinate the preparation and dissemination of an information package on the range of housing services available to battered women with CMHC and the Clearinghouse on Family Violence.

3. Status of Women Canada has committed $20,000 to prepare an investigate of a film on services for battered women, and in F/Y 1984/85 will contribute a further $25 K along with other participants in the Federal Women's Film Program to complete the film.

4. Status of Women Canada will act as a consultant to Health and Welfare for the preparation of a series of short television spots on wife-battering.

5. Status of Women Canada, with other departments and with co-ordination provided by Health and Welfare, will assist employees by providing materials/workshops on wife-assault for the Federal Employee Assistance Programs.

6. Status of Women Canada will co-ordinate a consultation with federal and provincial officials, transition houses, and others as appropriate, to provide input for the National Clearinghouse on Family Violence on information and research needs.

7. Status of Women Canada will continue to exchange information with the IDC on victims of crime to ensure ongoing co-ordination of activities and approaches on common issues.

8. Status of Women Canada, through the Federal/Provincial/Territorial Working Group on Wife Battering, will continue to monitor progress and report to the Ministers Responsible for the Status of Women on a yearly basis.

9. Status of Women Canada will continue to ensure the integration of the concerns of battered women into appropriate federal/provincial fora.

3. NEWFOUNDLAND AND LABRADOR INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF NEWFOUNDLAND AND LABRADOR

RECOMMENDATIONS ARISING FROM THE DEPARTMENT OF JUSTICE

1. It is recommended that the Attorney-General send a memo to all Crown Attorneys and Police with respect to the investigation and prosecution of domestic violence cases (Implemented). (See Annex A).

2. Statistics should be kept on how many assault cases involve family violence, and should include how many calls to police, how many actual charges are made, and how many convictions are obtained (Implemented).

3. An Education Program on wife battering should be arranged for police and probation officers. In addition, public awareness of the crime should be increased by issuing a pamphlet from the Department of Justice outlining the problem and the services available (such as transition homes, counselling, and compensation for injuries) to victims of family violence.

4. Support should be given to the Status of Women Council's proposal to the Solicitor-General to develop an inter-disciplinary program involving police, Social Workers, hospital workers, clergy etc., who will work with victims of spousal assault, and co-ordinate a consistent policy among the agencies involved. (It is noted that this ties in with recommendation #6 to Crown Prosecutors and Police from the Attorney-General).

5. This Committee should consider meeting semi-annually to monitor progress in these areas.

RECOMMENDATIONS ARISING FROM THE DEPARTMENT OF SOCIAL SERVICES

1. While some counselling and financial services are available to battered women and their children, through programs of the Department of Social Services, a formal statement of policy and procedure with regard to the role of the Social Worker and the provision of services to battered women and their children, would serve to highlight this problem for staff who come into contact with such families. This would also serve to endorse the position taken by the Canadian Association of Social Workers.

2. That a public awareness campaign be undertaken jointly by all pertinent government departments, which would provide information with regard to the problem as well as the services available. In addition, such a campaign could be preventative in nature, aimed at changing public and professional attitudes.

3. That specialized training (inservice training) be considered for staff of the Department of Social Services, who are involved in providing service to battered women and their children.

4. At the present time there is no specialized counselling service available for men who batter. Programs (eg. self-help groups) have been developed in other areas to assist these men. As this area is an interdepartmental, as well as a community problem, there needs to be an interdisciplinary approach to researching this need and identifying methods of providing this service. (This need was identified some time ago in a Transition House Report.)

5. Some time ago Transition House, St. John's identified the need to extend their service to provide counselling services to children of women residing at Transition House. The special needs of these children were clearly documented (emotional, behavioural problems, learning disabilities), however, a request to the Federal government for funding was not successful. The need for a specialized counselling service for these children needs to be once again re-evaluated and methods of meeting any identified needs developed.

6. That moral and financial support be continued for the Transition Houses currently in operation and that the need for additional Houses or other alternatives (eg. Safe-Houses) be initiated and supported in other areas where such a need has been identified.

7. Within the Child Welfare Program, children living in situations of continuous domestic violence are identified as being in need of protection. There is a need to create more pubnlic and professional awareness of the responsibility to report such cases to the Child Welfare Authorities; there is concurrent responsibility for the development of services and programs to meet the needs of children living in such situations. Again, the area should involve imput from community and from various departments.

PUBLIC EDUCATION

ACTION NEEDED

1. A major public education and information campaign should be undertaken jointly by Departments of Social Services, Health, Justice and Education, the Advisory Council on the Status of Women, and law enforcement agencies to increase public awareness of family violence and to inform people about existing services in their communities.

2. To enhance sensitivity to this issue, funding should be made available to conduct public awareness/education programs.

SCHOOLS

ACTION NEEDED

1. Appropriate materials related to family violence should be developed and incorporated into school curriculum.

2. In-service training programs for teaching staff concerning the needs of children from violent homes should be developed and implemented.

3. In-service programs for making all school personnel aware of appropriate actions to take if incidents encountered and of resources available to both the victim and school staff.

4. In-service to raise the sensitivity of personnel to this issue. Available information kits, videotapes, support curriculum materials from other agencies, etc., should be made available to schools.

The Department of Education should encourage schools to incorporate theme topics in the various curriculum areas.

RECOMMENDATIONS

HEALTH

In order to alleviate some of the problems associated with wife battering it may be recommended:

1. Since any attempt at resolving the issue of wife battering necessarily involves a multi-faceted approach, that all identified government departments and professionals work together to address the problem.

2. That the Provincial Government develop an official policy on wife battering and that this policy be actively supported by the appropriate departments.

3. The Committee recommends that hospitals in the Province develop official policies and protocols for the identification, treatment and follow-up of wife battering victims and offenders.

4. That the appropriate statistics on wife battering be identified, and recommendations made to the various departments and institutions for collection and collation of these statistics, in order that future programs can be based on these findings. Two identifiable sources for such statistics would be hospital admissions and MCP codings.

5. That the Provincial Government, through its various departments, launch a public and professional awareness campaign so that all potential users are aware of what services DO exist in this Province.

6. That the Provincial Government support the establishment of additional Transition Houses and similar referral services for battered wives.

ANNEX A

OFFICER COMMANDING, 'B' DIVISION
ROYAL CANADIAN MOUNTED POLICE

CHIEF OF POLICE
ROYAL NEWFOUNDLAND CONSTABULARY

ALL CROWN ATTORNEYS

RE: DOMESTIC VIOLENCE

This memorandum is distributed to all Crown Attorneys and police officers in the Province of Newfoundland in order that the departmental position with respect to wife battering and domestic violence be clarified where criminal action is contemplated. The following instructions should apply:

1. The police should investigate all complaints of domestic violence promptly and thoroughly.
2. Written statements should be obtained from the complainant or victim, as soon as is practicable.
3. The assailant should be arrested if there is a fear that the offence will continue in the dwelling house, as contemplated by the appropriate provisions of the Criminal Code.
4. It is important that the Crown Attorney assigned to the case (or duty prosecutor, as the case may be), be given instructions and advice from police officers as to terms and conditions of bail or continued custody upon the first appearance of the accused.

5. Where the evidence warrants prosecution in the opinion of the investigating officer, he/she should be prepared to swear the information against the suspect at the earliest possible opportunity.

6. The police should be familiar with community resources which are available to assist the victim and should advise her accordingly. Special mention should be made of the Criminal Injuries Compensation Board, Transition Houses, and services offered by the Departments of Health and Social Services.

7. Prior to trial, the prosecutor should meet with the complainant and be satisfied of the appropriateness of the proceedings.

8. If the complainant approaches the Crown with a request to withdraw charges, this withdrawal should be done at his or her request in open Court. The Crown Attorney should ask the complainant whether he or she has been threatened or coerced in any way to discontinue the prosecution. This will give the Judge an opportunity to assess why the matter is being withdrawn and will also give the Crown an opportunity to assess the appropriateness of this action as well.

9. The Crown should not resort to proceeding with an application under Section 745 (Peace Bond - Criminal Code) as an alternative to proceeding on a substantial assault charge.

10. On the question of sentence, spousal assault should be treated no differently from any other assaults from a prosecutorial point of view.

11. If the police investigation reveals that a child is living in a situation where there is severe domestic violence as contemplated by Section 2(a.1)(5) of the Child Welfare Act, this information should be reported promptly to the Department of Social Services. Section 49 of the Child Welfare Act contains a mandatory reporting provision when a child in need of protection is discovered.

4. NOVA SCOTIA INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF NOVA SCOTIA

INITIATIVES

CRIMINAL JUSTICE

The Attorney General has agreed to:

1. Issue a new directive to provincial police regarding the laying of charges in cases of family violence.

2. Initiate a new system of data collection by which police departments will collect statistics on family violence which will more clearly reflect the magnitude of the problem. A similar directive will be sent to legal aid offices.

3. Request that Holland College (and police departments that provide their own training programs) include programs designed to deal with family violence and crisis intervention.

4. Study the current handling of wife battering in family courts, consider the merits of having such cases heard in magistrate's court where they would be prosecuted by the crown.

5. Develop, in consultation with the Advisory Council on the Status of Women, a seminar for crown prosecutors and the judiciary on wife battering.

HEALTH

The department of Health has agreed to:

1. Review existing emergency room procedures for dealing with victims of family violence.

2. Consider what programs for both the batterer and the victim might be offered through mental health clinics.

3. Explore methods of providing routine in-service training for health professionals.

SOCIAL SERVICES

The Minister of Social Services is currently chairing a committee on family violence composed of representatives from the Advisory Council on the Status of Women, Police, Transition House staff and several other government departments. Among aspects of family violence being studied by the group are:

1. Expanded funding and cost sharing arrangements for transition houses.

2. Joint representation to CMHC by the Departments of Social Services and Housing re: the availability of additional subsidized housing units for battered women and their children throughout the province.

3. A formal study on the magnitude of wife battering in the province and the nature of the batterer with a view to recommending appropriate prevention and rehabilitation programs.

. The Minister responsible for the Status of Women working with the Advisory Council on the Status of Women will solicit from the province's 66 municipalities a status report on incidence of wife battering and services currently provided to victims.

EDUCATION

The Minister Responsible for the Status of Women will co-ordinate:

1. A major public education and information campaign, to be undertaken jointly by the Departments of Social Services, Health, Attorney General, and Education, the Advisory Council on the Status of Women, and the provincial and municipal law enforcement agencies to increase public awareness of wife battering as a criminal offence and to inform people about existing services in their communities.

2. The Minister of Education has directed his Advisory Committee on Sequential Family Life Education to consider the best way to include the treatment of family violence in the curriculum currently being prepared and the appropriate in-service programs for teachers.

SPECIAL GROUPS

RURAL WOMEN

Action Planned

The Minister responsible for the Status of Women has asked the Advisory Council on the Status of Women to communicate with a broad spectrum of community organizations including VON, Women's Institutes, church organizations etc. to channel information on family violence to rural women.

5. NEW BRUNSWICK INITIATIVES RESPONDING TO WIFE BATTERING

CONFIDENTIAL

RECOMMENDATIONS

OF

THE NEW BRUNSWICK WORKING GROUP

ON

WIFE BATTERING

MAY 4, 1984

RECOMMENDATION

1. School system initiatives should concentrate on prevention, by using approaches which give attention to problems such as family violence, in addressing the broader question of the social-affective development of the child.

2. Time should be allocated within the school day and the school year for programs designed to develop social-affective skills.

3. School Boards should ensure that their staffing arrangements provide for the necessary qualified individuals to support such programs.

4. The Department of Education should review existing programs designed to aid student's social-affective development and skills, in order to select the most appropriate for use in the school system.

5. The Department of Education should monitor the use of social-affective development programs throughout the school system.

6. The Schools Act should be amended to ensure the confidentiality of professional and case records.

7. The Department of Social Services, in cooperation with the Departments of Education, Health and Justice, should collect and consolidate information on all regional and community services available to battered women, batterers and children who are victims of violent homes.

8. The Department of Social Services, in cooperation with the Departments of Education, Health and Justice, should sponsor a public awareness campaign related to wife battering. The campaign should include media and school-based programs and involve such subjects as:

   (a) the early detection of family violence;
   (b) ways to prevent family violence;
   (c) the legal and social consequences of physical and mental abuse;
   (d) available services and resources for battered women, batterers, and for children who are victims of violent homes.

9. The Departments of Education, Health, Justice and Social Services should establish, where appropriate, protocols for professionals within their areas of service, for the early detection of and management of wife battering and for the referral of victims and batterers to specialized services.

10. The Department of Health, Justice and Social Services should design and implement educational programs for in-service training of their respective professionals, where appropriate. The objective would be to sensitize them to the problem of wife battering and to increase skills in the detection of family violence, management of the crisis response phase for victims and referral of cases to community resources. The Department of Social Services, in cooperation with the Departments of Health and Justice, will develop an appropriate training package for training professionals in the educational system.

11. The Departments of Education, Health, Justice and Social Services should encourage the inclusion of training or more intensive training with respect to the acquisition of necessary skills relating to domestic violence in initial training programs for professionals.

12. A provincial [crisis line] telephone service should be established by the Department of Social Services for the provision of information or direct referral to available services for battered women.

13. The Child and Family Services and Family Relations Act and the regulations under the Act should be expanded in the area of adult protection to include battered women.

14. The concept of the [protective intervention order] under the Child and Family Services and Family Relations Act, which allows the removal of the offending person from a place of residence, should be expanded for use in situations of domestic violence relating to wife battering.

15. The Department of Social Services shall assume responsibility for establishing minimum service standards in the following areas:

    (a) emergency housing;
    (b) the social service component of crisis intervention;
    (c) rehabilitative services.

16. The Department of Social Services shall encourage greater access to income security, training and employment services, training funds, rehabilitative courses, and legal information for battered women who either return home or who establish a separate family unit.

17. The Department of Health, in cooperation with the Department of Social Services, should ensure the provision, on a provincial basis, of a network of community services to assist individuals in establishing non-violent behaviour patterns as a means of responding to situations of domestic violence.

18. The Department of Health should encourage the development of employer or employee sponsored programs in both the private and public sectors which address methods of dealing with aggressive behaviour, stress or lifestyle problems.

19. The Department of Social Services, in cooperation with the Department of Health, should ensure the provision, on a provincial basis, of a network of community services to assist in:

    (a) the management of individual domestic situations where domestic conflict has escalated to the point of violent behaviour; and

    (b) the management of long-term domestic situations where there are outbursts of violent behaviour including:

        (i) alternate housing arrangements;
        (ii) marital counselling;
        (iii) peer groups counselling, and
        (iv) individual or group counselling for victims and batterers.

20. The Department of Social Services, in cooperation with the Department of Health, should encourage and support the private sector in the development of support groups, using professional leadership, for the victims of battering, batterers and the children who are victims of violent homes.

21. The Department of Social Services, in cooperation with the Department of Health, should establish a counselling program for batterers. This program must be accessible by the Departments of Health, Justice and Social Services as well as being accessible to batterers on a voluntary, self-admission basis.

22. In crisis situations, the investigation and crisis intervention of spousal assaults should be conducted by a police and social worker crisis intervention team. (See Appendix A)

23. Police policy should be amended to encourage arrest where there is evidence of bodily harm or a substantial risk of the continuation of an assault situation. This is not intended to fetter a peace officer's discretion whether to arrest.

24. In cases where the batterer had to be removed from the family home and has remained in custody pending the laying of a charge, and where a charge is laid and the accused is arraigned, the Crown Prosecutor should request a show-cause (bail) hearing and object to the unconditional release of the accused where he does not enter a guilty plea on this first appearance.

25. A prosecutions-based Diversion Program should be developed as an alternative approach available in the criminal justice system. (See Appendix B)

26. An application for a peace bond (Section 745 of the Criminal Code) should be pursued only where there is insufficient evidence of the commission of a criminal offence. This procedure shall be used as a pre-emptive restraint rather than as an laternative to a criminal charge.

27. A higher priority should be placed on domestic assaults to more quickly expedite them through the trial process. In summary conviction cases, the period from plea to trial should not exceed two weeks.

28. A victim/witness court worker service should be made available in all courts, and thus shall be accessible to all victims of domestic violence.

29. In cases where there is sufficient evidence to support a criminal charge, the views of the victim should be considered either by the Diversion Program Committee or, where no Program of Diversion exists, by the Crown Prosecutor. Where the victim is not afraid of her husband and does not want the family to be broken up, the Committee should take into account the victim's views in considering whether Diversion should be offered as an option to the batterer. Where no Diversion Program exists, the Crown Prosecutor should consider the views of the victim which are motivated by fear of reprisal should not be considered by either the Committee or the Crown Prosecutor.

30. Where a victim of abuse is a hostile witness, refuses to testify and is found in contempt of court, consideration should be given to punishment alternatives such as community service or a form of probation.

31. In cases where charges have been laid, the accused has pled [not guilty] and the victim subsequently wishes to [drop the charges], the views of the victim shall be given consideration. However, they shall not necessarily be the deciding factor of whether to withdraw the charge. The decision to withdraw should be made only after the victim/witness indicates she will refuse to testify and there is no independent or corroborating evidence to support the charge.

32. The Attorney General shall continue the current policy of the police laying charges in cases of spousal assault rather than the complainant. (This does not preclude the right of any citizen to lay an information).

33. Statistics on spousal assault shall be maintained by the Department of Justice including the number of complaints by type (assault, assault causing bodily harm, aggravated assault, etc.), the action taken by the state relating to the incident, and the subsequent disposition.

34. The Department of Justice shall conduct further research into all areas of the law to identify any cause or practice which has a discriminatory application. The long-term objective shall be the eradication of discrimination based on sex.

35. The Attorney General should make a clear public statement of policy relating to spousal assault in New Brunswick.

36. The New Brunswick Working Group on Wife Battering shall continue to be chaired by the representative from Cabinet Secretariat - Women's Directorate, and with representation from the Departments of Education, Health, Justice and Social Services. It will monitor government activities undertaken in relation to wife battering and will formally report on progress achieved to the Minister Responsible for the Status of Women every six months. These reports will form the basis of an annual report to be submitted to the annual meeting of the Federal/Provincial/Territorial Ministers Responsible for the Status of Women.

APPENDIX A

CRISIS INTERVENTION

The message received by the New Brunswick Working Group on Wife Battering from virtually all interested community groups is that spousal assault must be recognized as a crime. At the same time, mandatory reporting of spousal abuse, mandatory charging of offenders or a mandatory term of imprisonment for those convicted of spousal assault have not been included as forthcoming recommendations. What has been recommended involves a more concerted and purposeful intervention in families where there is domestic violence, more effective use of community resources, better coordination of services and involvement of the Departments of Health, Justice and Social Services and more intensive training for those acting as intervenors in domestic violence.

To respond to these needs, the most important service to be developed is the implementation of a police/social service joint intervention strategy to be used in situations of domestic violence. Intervention teams may consist of a police officer and a volunteer, a police officer and a social worker employed by the police, a police officer and an employee of the Department of Social Services. While the criminal nature of the abuse will be recognized, joint intervention will introduce the availability and importance of counselling and hopefully will provide access to a program of therapy for the batterer.

APPENDIX B

DIVERSION

To provide greater flexibility in the Justice response, while remaining firm in the requirement that a batterer acknowledge that he has committed a criminal act, the New Brunswick Working Group has recommended the establishment of a Program of Diversion. This program would be available to the aggressor in spousal violence as an alternative to the laying of a charge where, in the opinion of both the Crown Prosecutor and the police, there is sufficient evidence to support the laying of a criminal charge. It is a prosecutions-based Diversion with the emphasis being primarily on the rehabilitation of the genuinely repentent candidate whose conduct is otherwise out of character and where the wife and children want the family to remain intact and do not wish to prosecute. Diversion would not be available to an aggressor who has previously been convicted of a spousal assault was the offence. Furthermore, Diversion would not be available in cases where there is serious bodily injury to the victim, or where the accused was arrested and remained in custody to prevent a recurrence.

All cases otherwise not ineligible for Diversion will be screened by a Diversion Committee to determine whether the accused should be offered the option of Division. The Committee would include the local Crown Prosecutor, police investigator, a social worker and others. The Crown Prosecutor does not decide which case should be eligible for consideration by the Diversion Committee. Eligibility is determined by clearly defined guidelines. The Prosecutor's role is to determine whether there is sufficient evidence to support a criminal charge. The Committee then decides who should be offered Diversion.

With the public well briefed that reporting an assault to the police will not automatically result in a criminal charge and that the response of the state is flexible, battered women may be more likely to report an assault. Thus, it is hoped that aggressive behaviour will be curtailed before it gets totally out of control.

In summary, Diversion would satisfy the requirement that the offender recognize that he has committed a criminal act, would encourage early detection and hopefully, rehabilitation.

6. PRINCE EDWARD ISLAND INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF PRINCE EDWARD ISLAND

I. COMMUNITY AND SOCIAL SERVICES

ACCESSIBILITY OF SHELTER

Problem:

Anderson House, located in Charlottetown, is the only house providing emergency shelter in the province. The police will transport a woman to a safe place if she is considered to be in danger, but whether or not she is transported to Anderson House depends on many factors including police resources and alternative transportation possibilities. After-hour workers at the Department of Health and Social Services can, and do, arrange overnight accommodation or transportation on an emergency basis, but no policy has been written. There are some women who do not have access to transportation to Anderson House.

Action Needed:

1. The Department of Health and Social Services should formalize a policy on the provision of transportation to Anderson House, or access to safe emergency shelter in the woman's home community.

RURAL WOMEN

Problem:

Women living in rural communities who are assaulted by their partners do not have the same access to emergency shelter and legal protection as women living in urban centres. The reports of wife assault to police are significantly lower in communities outside the

Charlottetown area, indicating either less wife assault, or more likely, less reporting. Women in rural communities are at higher risk because of reduced access to the two major intervention services.

Action Needed:

2. Solicitor General, Canada should assist the Province in assessing the needs of rural women to determine the best avenue for making emergency shelter available and to determine the barriers to legal protection.

FUNDING TRANSITION HOUSES

Problem:

Anderson House provides a crisis telephone line, and emergency shelter with trained staff, twenty-four hours a day. It is funded primarily through the provincial government but the expenditure is cost-shared under the Canada Assistance Plan with the federal government. Monthly payments vary with occupancy, creating an insecure financial situation for the shelter.

Action Needed:

3. The Department of Health and Social Services should undertake an examination of alternate funding options with particular attention to grant or block funding. This funding should reflect:

   1) stable and adequate core funding;

2) administrative costs for efficient operation of the shelter and recording of information for statistical analysis; and

3) costs for a child care programme.

SERVICE DELIVERY TO BATTERED SPOUSE - SOCIAL SERVICE AREA

Problem:

Confusion about roles and responsibilities of workers in Anderson House and Department of Health and Social Services could result in duplication or lack of service to the battered woman.

Action Needed:

4. The Department of Health and Social Services should initiate dialogue with the Transition House Association, which operates Anderson House, to develop and establish service delivery standards, clarify roles and expectations, differentiate short and long-term goals and develop a protocol of response.

5. The Department of Health and Social Services should develop operating policies specific to the battered spouse.

Problem:

The battered woman needs specialized counselling support.

Action Needed:

6. The Department of Health and Social Services should develop in-service education programmes on the dynamics of battering, and the special problems of engaging a victim client in problem-solving. Also workers need education on the legal resources available so that they reinforce rather than confuse the client.

HOUSING

Problem:

There are many factors influencing a woman's decision to return home, often before the abusive situation is resolved. One of these factors is the availability of housing alternatives that are adequate and affordable. Women in the Charlottetown area have few options and women who wish to return to their rural communities may have no alternative housing available.

Action Needed:

7. The P.E.I. Department of Health and Social Services with the assistance of the P.E.I. Housing Corporation should undertake a study of women leaving Anderson House to determine the housing needs, the availability of housing, and to determine if housing problems influence the decision for immediate return to the family home. Some women may require longer term transitional housing following emergency shelter. A study could detemine the most effective means of meeting the housing needs of assaulted women.

II. HEALTH

SERVICE DELIVERY TO BATTERED SPOUSE - HEALTH SERVICES AREA

Problem:

Health professionals frequently come in contact with victims of battering but it appears that there is a wide variability in their esponse and knowledge of available resources, their ability to identify the underlying battery problem and to engage the victim in addressing the problem.

Action Needed:

8. The P.E.I. Hospital Services Commission should encourage the development of hospital emergency out-patient protocols in response to the battered victim, including women battered by their partners.

9. The Department of Health and Social Services should encourage special training on the subject of wife battering to health professionals (doctors, nurses, mental health workers), both in-service and in professional training programmes.

III. CRIMINAL JUSTICE SYSTEM

LEGAL PROTECTION

Problem:

Women have been reluctant to report assaults to the police and pursue redress through the criminal justice system because their complaints sometimes went unheard, or they were made to feel responsible for the assault. Federal and Provincial Governments have addressed this problem in law and policy with directions to police to lay charges on reasonable and probable grounds.

In practice however attitudes and perceptions mitigate against the laying of assault charges by police. A key issue is the perceptions of some criminal justice personnel that 'domestic disputes' belong in family court, that the woman will want the charges withdrawn, or that assault charges and recognizance orders in family matters are a waste of the court's time.

Action Needed:

10. The Department of Justice should ensure that wife assaults are recorded in a manner that permits retrieval of the information from police and court records. This information will provide an accurate picture so that the criminal justice system can respond to the problems of providing legal protection to assaulted wives.

11. Key justice personnel (including judges, prosecutors, and police) should develop an approach to wife assault offenders that permits the best possible intervention to stop continued assaults.

VICTIM INFORMATION AND SUPPORT

Problem:

Wife assault victims often do not know what action the police are taking, or what is expected from them if a charge is proceeding to court. This lack of information about the criminal justice system may cause the victim not to follow through.

Action Needed:

12. A service to provide information, support and services through the justice process is needed. The draft report of the Study for the Planning of Victim Assistance Services in P.E.I., March, 1984, pays special attention to wife assault victims. Implementation of the recommendations will begin to address the information and support needs.

LEGAL SERVICES

Problem:

Legal Aid provides legal services in criminal and family law matters to clients who qualify based on financial need. Three staff lawyers provide service under both programmes for the province. Because the small legal aid office is extremely busy, it is the most urgent cases that are provided service in the family law area. Financial limitations in the legal aid programme also means that if both spouses are financially eligible for service, the person who gets to the legal aid office first is provided the service. The legal aid budget cannot routinely provide purchased legal services to the other spouse.

Action Needed:

13. In addition to legal protection in the criminal matter of assault, women assaulted by their spouses must be assured legal services in the family law area. The P.E.I. Department of Justice should assure adequate funding to Legal Aid to ensure that battered women have access to full legal services in the family law area.

IV. EDUCATION

EDUCATION IN THE SCHOOLS

Problem:

Children growing up in violent homes are more likely to repeat the violence in their adult families than children not observing violence in family relationships. If we are to break the cycle of domestic violence, then we must help the younger generation to learn to respond in a different way. One way of doing this is through the curriculum in the schools.

Action Needed:

14. The Department of Education should develop a Family living course to include such topics as: the role of men and women in society and the family, parenting skills, constructive problem-solving, conflict management, stress reduction techniques and anger control. The Family Living course should be taught as part of the core program at the junior high level (grades 7-9). Such a course could be a component of the guidance or health programs at this level.

15. The Department of Education should encourage school boards to incorporate the topics of husband-wife relationships, sex roles and domestic violence, in existing courses, where appropriate, at the senior high level (grades 10-12). These courses should be equally available to male and female students in all schools. The Family Living component of the senior high Home Economics course offers a starting point since it already contains some of these topics and is provincially authorized curriculum.

PUBLIC EDUCATION

Problem:

If the attitudes and myths related to wife assault are not addressed, the violence will continue regardless of the services available.

Action Needed:

16. The Provincial Government should develop programs for radio and television designed to inform the public about the nature and extent of the problem of wife battering and stating clearly that wife battering is a criminal offence.

7. ONTARIO INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF ONTARIO

RECOMMENDATIONS FOR FURTHER ACTION

I. JUSTICE SERVICES

1. Ongoing education be provided to police to clearly recognize wife battering as a criminal offence and lay charges when circumstances warrant.

2. Assistance be provided, where feasible, to police forces who undertake projects to provide information and assistance to victims of family violence. The study underway by the Provincial Secretariat for Justice on Alternative Responses to Family Violence incidents should provide valuable information in determining project suitability.

3. Consideration should be given to the provision of funding for witness assistance workers. This initiative should be monitored to determine its impact on assistance to battered women.

4. Statistics now being kept by police forces on domestic violence incidents should be gathered in a fashion that ensures the necessary degree of uniformity across the province, and should be sufficiently detailed to allow proper analysis.

5. A computerized listing should be kept of all valid Restraining Orders and Peace Bonds with Dispatch Officers.

II. SUPPORT SERVICES

6. An assessment of the new stabilization formula for funding transition houses take place after a year of implementation to evaluate the effect on service delivery. This should include consideration of the availability of counselling and follow-up services.

7. Consideration should be given to the provision of funding to allow for more counselling of children who are victims of family violence.

8. The Canada Mortgage and Housing Corporation should be provided with sufficient funding to meet the need for emergency and longer-term housing services for battered women.

9. The Ontario and Federal Governments should develop a mutually acceptable feasibility study format to be used in determining whether a transition house should be established. The Ontario government should consider the availability of necessary start-up funds. This would include consultation with the Ontario Association of Interval and Transition Houses.

10. The Ontario Steering Committee on Family Violence Initiatives should identify transportation services available for battered women and their children in the more remote areas of the province and develop a proposal for the necessary coordination of these services.

11. The Ontario Association of Interval and Transition Houses should be provided with sufficient ongoing funding to allow it to carry out its necessary coordination and education functions.

12. Consideration should be given to providing support, when feasible, to local community groups attempting to establish safe home systems with links to essential support services.

13. Consideration should be given to providing support to allow for the demonstration and evaluation of crisis telephone services for emergency response and information to battered women and their children.

14. Encouragement should be given to transition houses to recognize the needs of francophone, immigrant and native women by initiating cross cultural training for their staff.

15. Transition houses should be provided with necessary information on employment and career counselling programs that are available to battered women.

16. The Ministry of Community and Social Services should issue guidelines to municipal welfare administrators to clarify policy on interim assistance to battered, sponsored immigrant women.

17. On the basis of the evaluation of programs for men who batter by the Ontario Secretariat for Justice, as well as the all-province evaluation that is being undertaken by the National Clearinghouse on Family Violence, the Ontario Government should determine its future involvement in project funding. Until this time, any assistance provided should be sufficient to ensure that an evaluation component is built into projects.

III. EDUCATION

18. The Federal-Provincial-Territorial Working Group on Wife Battering should develop an ongoing mechanism to allow for information exchange on public education kits, model protocols, training manuals and other print material. It is recommended that the National Clearinghouse on Family Violence be provided with the necessary resources to ensure that essential information can be collected and circulated.

19. An overview of existing services, programs, and projects being provided by the Ontario Government for victims of family violence should be maintained by the Provincial Coordinator of Family Violence Initiatives on the basis or information supplied by the Interministerial Steering Committee.

20. The appropriate Ontario Government Ministries should develop and make available information kits, protocols, and related resource material on family violence for professionals.

21. The regional meetings on family violence to be held throughout Ontario should allow for an exchange of information between community and government and between communities to assist in public education and coordination efforts. This process should also provide input into the development and prioritizing of future initiatives.

22. Sufficient funding should be provided for the major public education campaign so that it can be continued over an extended period of time and, as general public awareness is heightened,

provide more specific information to victims. The Federal Government should consult with the Ontario Government about the development of its three short television spots, to avoid duplication of resources.

23. The Ministry of Education should encourage local school boards to develop and implement appropriate courses of study and support materials covering family relationships and to offer related in-service training for professional staff. This should occur in both elementary and secondary school curriculae.

24. Professional faculties, governing bodies and associations should continue to be encouraged to ensure that their members and students have a clear understanding of the problem of wife battering. Their training should instruct them to be aware of certain symptoms and encourage them to ask if the symptoms are the result of battering.

IV. RESEARCH

25. An incidence study on wife battering should be commissioned immediately in order that further needs can be identified and future initiatives can be appropriately focussed.

26. Requests for new research projects in the area of family violence should be assessed carefully in order to avoid duplication and ensure that they will contribute substantially new information. The most immediate need is to consolidate and evaluate the information available from existing and/or completed projects. In this regard, the National Clearinghouse on Family Violence should be provided with sufficient funding to allow it to operate a comprehensive information system containing readily-accessible data on research in the area of family violence.

8. MANITOBA INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF MANITOBA

WIFE ABUSE

PREAMBLE

The Government of Manitoba is committed to addressing the needs of abused women which will allow victims of violent situations the right to live in non-violent situations.

The Government of Manitoba believes that needs-testing of women and their children is degrading and unacceptable to women in a moment of extreme crisis in their life. Such needs-testing contradicts the very purpose of crisis services which is to provide a safe and secure shelter for women who are in danger of physical and emotional battering. A less wealthy province such as Manitoba has great difficulty in unilaterally removing a needs test. In the past, the federal government has provided some leadership in allowing provinces such as Manitoba to provide first class services.

The following is a description of current initiatives and recommendations for future action.

CRIMINAL JUSTICE SYSTEM

PROVINCIAL ACTIONS

The Government of Manitoba recognizes the need for Victim-Witness Assistance Programming on a province-wide basis. Currently, in Manitoba there is a Victim Assistance Program which works closely with the Manitoba Committee on Wife Abuse. These services provided by victim Assistance Programs respond to and assist victims of spousal abuse. In the rural areas, steps are being taken in order to train volunteers to assist abuse victims. In addition, the Manitoba Committee on Wife Abuse has pilot projects operating in these areas in order to provide more comprehensive services. Funding from the Federal Government has contributed to the training of volunteers in rural areas.

The Government of Manitoba recognizes the need to increase treatment groups for batterers, in all areas of the province. Currently, services include group therapy, individual counselling and couple counselling. Attempts are being undertaken to provide more training in order to allow for a variety of treatment groups.

Appropriate and effective court procedure in the city of Winnipeg is currently instituted. In addition, statistics are being kept with respect to manner of disposition, case load, etc.

FEDERAL ACTION

Within the Manitoba jurisdiction charges of spousal abuse are treated the same as any other breach of conditions of parole. In the Federal jurisdiction wife battering should also be considered by parole officials to be ground in itself for revocation of parole.

FEDERAL/PROVINCIAL ACTION

The Government of Manitoba recognizes the need for increased sensitization and training for representatives of the criminal justice system. This would include such representatives as the R.C.M.P., The City of Winnipeg Police, other municipal forces, the judiciary and Crown Attorneys within the Province. Such training should be implemented through a National program while respecting individual provincial concerns and differences.

There is also a need for a computerized listing of all valid restraining orders, orders of prohibition, etc. in order that prompt and vigorous enforcement of such orders occurs. Research and information regarding sentencing trends within the Province is also required. Federal funding for both of these areas would enable the Justice system to examine appropriate sentences (e.g. incarceration, counselling, etc.) in order to prevent recurrences of wife battering.

Many of the above recommendations have been instituted at the provincial level. However, the Government of Manitoba emphasizes the need for increased training, education, gathering of statistical information as well a computerized listing. Increased funding by the Federal Government would be necessary in order to expand Provincial efforts in this regard. At present, there is no consistency in reporting of statistics across the country. A uniform system must be established.

EDUCATION AND TRAINING

PROVINCIAL ACTION

The Government of Manitoba recognizes the need for devising appropriate ways to deal with the issue of wife battering in the public school system. Under the auspices of the Manitoba Committee on Wife Abuse a sub-committee entitled, "Educators for the Prevention of Family Violence" has been formed. An instructional kit, "Family Violence: the Effects of Wife Abuse" has been prepared for use at the junior and senior high school levels. This educational kit is intended to be used in a pilot project to be undertaken in the 1984/85 school year.

The Manitoba Wife Abuse Committee has held workshops for school counsellors and distributed brochures to all provincial teachers in 1983.

The Government of Manitoba is considering the establishment of a broadly based committee with representation from Provincial Government departments, the Public School Boards, Manitoba Committee on Wife Abuse, Faculty of Education as well as other organizations and persons whose participation would be appropriate.

Legal implications which may arise as a result of introducing the topic of wife abuse into the curriculum would have to be explored. At the provincial level consideration to provide resource teachers to shelters would be examined. Consequently, continuity of education would be provided to those children unable to attend school during their stay in shelters. Resource teachers would also provide educational support to school age children during a period of adjustment which would include a return to school, either their former school or a new school.

FEDERAL/PROVINCIAL ACTION

The Government of Manitoba recognizes the need for increased efforts towards public education and training.

The Government of Manitoba has been actively involved in promoting public awareness and recognition of wife abuse through educational programs.

Federal and Provincial Governments should consider mounting media campaigns increasing public awareness with respect to the unacceptability of wife battering.

FEDERAL ACTION

The Government of Manitoba recommends that consideration be given to amending Section 43 of the Federal Criminal Code of Canada, which legally authorizes the use of corporal punishment in schools.

The Government of Manitoba also recommends the Federal Government increase public awareness on the issue of wife abuse by regularly providing literature on wife battering, for example, in family allowance cheques and that this literature include a toll-free number to call for information on support services available in each province.

HEALTH

PROVINCIAL ACTION

The Government of Manitoba acknowledges the importance of educating those professionals in the Health fields to the problems of abuse, so that, high risk situations can be identified.

Liaisons between government departments and government sponsored agencies could be enhanced in order to ensure that abuse situations are identified in the early stages and appropriate intervention can be encouraged to prevent further violence. In addition, the Government of Manitoba is exploring the development of professional protocol for those professionals involved in a variety of health settings. Preliminary work has begun in the area of developing hospital procedures and emergency room responses in both urban and rural hospitals. However, consideration will be given to consistent procedures for use in the hospitals throughout the province. At present a pilot protocol is in place in 3 hospitals, for a period of 3 months.

Treatment programs for victims and offenders are offered on a widespread basis both through government departments and community agencies funded by government. All services are linked with the Manitoba Committee on Wife Abuse in order to provide comprehensive programs and services to battered women as well as to batterers. Research into the causes of wife abuse is necessary in order to enhance existing services.

Increasing and enhancing treatment programs is a major goal of the Manitoba Committee on Wife Abuse. Public education is required to inform the public about the nature and extent of the problem of wife abuse. General information is required by those victims of abuse in order to become aware of resources available to them in the province.

The Government of Manitoba has been actively involved in promoting public awareness and recognition of wife abuse through educational programs. Counselling and education for battered women is available as are comprehensive programs which deal with the complex problems of wife abuse.

FEDERAL ACTION

Adequate funding must be provided for research and other resources in order to mount effective measures for the treatment of wife abuse cases and the prevention of wife abuse.

SOCIAL SERVICES

PROVINCIAL ACTION

The Government of Manitoba is examining present policy regarding the development and financing of crisis shelters. Options are being considered to establish central responsibility within government for planning and allocating resources to shelters.

The Government of Manitoba is also exploring future approaches to Second Stage Housing. Manitoba recognizes the need to analyze a variety of options in order to provide expedient and efficient methods of service. The Government of Manitoba recognizes the need to bridge the gap between crisis shelter housing and re-establishing the abused women into the community. Continued support services in the areas of employment, education/training, and personal counselling are also a necessary component. While second stage housing currently exists on a limited basis in Manitoba there is a need to provide these services province-wide.

Consideration is currently being given to re-instituting the policy whereby the abused women and their families would have priority access to public housing following emergency accomodation.

The Government of Manitoba is currently considering a number of options designed to establish a clear legal mandate for services including non-residential support to battered women, battering men, and their children.

Consequently, consideration will be given to establishing a comprehensive policy approach to the development of services to battered women throughout the province.

Manitoba is currently developing a funding policy for crisis shelters and safe houses. This will involve examining less rigorous flexible needs-testing, universal fee-for-service, per diem arrangements, block funding arrangements.

The Province of Manitoba is sensitive to the need for shelter services accessible to native, immigrant and other minority group women.

The Government of Manitoba recognizes the need to review the social assistance system to explore mechanisms which would ensure the adequate provision of financial assistance to battered women in Manitoba.

FEDERAL/PROVINCIAL ACTION

Precedent has been set in other provinces in the use of Section 56.1 funding for shelters. However, there does not seem to be a clear policy on a national level on how to make optimal use of non-profit funding for this purpose.

Using NHA Section 56.1 as funding for shelters should be established as a Federal/Provincial priority. In this regard C.M.H.C. must provide clear directives to its Branch and Regional offices on how to assess and accomodate funding requests by shelter sponsors and/or Provincial Departments.

FEDERAL ACTION

The Government of Manitoba recognizes there have been negative effects with regards to Social Assistance needs-testing on residents of crisis shelters and safe houses. Access to crisis shelters is often limited by the financial and psychological barriers inherent in social assistance needs-testing. Therefore consideration should be given to amend the Canada Assistance Plan to define women in shelters and safe houses and their children as "persons in need". The Canada Assistance Plan could be amended to define care in such facilities as "welfare services" rather than as "welfare assistance". Consideration could also be given to share the costs of such facilities through other mechanisms than the Canada Assistance Plan.

APPENDIX A

RECOMMENDATION FOR POLICY/PROGRAM CONSIDERATION

Policy/Program Options Department of Health	Provincial	Federal	Provincial/ Federal	Start Date
Formation of working-committee Tasks include:				
1) To examine the Public Health Act and the Mental Health Act and identify implications for battered women.	X			1984-85
2) To establish liaisons between government departments and government sponsored agencies.	X			1984-85
3) Develop professional protocol for Department of Health personnel.	X			1984-85
4) Develop protocol for hospital emergency departments and ambulatory care areas for both rural and urban areas.	X			1984-85
5) Develop mechanism for statistically identifying wife abuse cases as well as examining legal implications.	X			1984-85

Policy/Program Options Department of Health (cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
6) Establish mechanisms to deliver educational sessions on wife battery for government professional staff.	X			1984-85
7) Develop educational kits for health care professionals.	X			1984-85
8) Encourage hospitals to develop and provide educational sessions on the topic of wife battery to their staff.	X			1984-85
9) Encourage private physicians to follow protocoal guidelines and provide educational information on wife abuse in their offices.	X			1984-85
10) Encourage the University Faculty of Medecine and School of Nursing to include wife battering in their curriculum.	X			1984-85
11) Determine the need for additional resources within the Department to implement protocols and educational programs.	X			1984-85
12) Increase public awareness of wife battering.			X	1984-85

Policy/Program Options Department of Health(Cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
13) Identify issues related to wife abuse requiring further research.			X	1984-85
14) Circulate information on wife abuse to appropriate Provincial Government Departments.		X		1984-85
15) Consider funding for research and other resources required for the prevention and treatment of wife abuse.		X		
DEPARTMENT OF HOUSING/MHRC				
1) Given its mandate to provide community based residential services to groups and individuals with specialized needs, the Department of Community Services and Corrections should have primary responsibility for both capital and operational funding of crisis shelters.	X			

Policy/Program Options	Provincial	Federal	Provincial/ Federal	Start Date
Department of Housing				
2) Use of NHA Section 56.1 funding for shelters should be established as a Federal/ Provincial priority in this regard, C.M.H.C. must clear directives to its branch and Regional offices on how to access and accomodate funding requests by shelter sponsors and/or Provincial Departments			X	
3) The Department of Housing in collaboration with Housing Authorities, will establish a priority placement policy and system to better accomodate women and their families in social housing.	X			
Department of Employment Services and Economic Security				
1) It is recommended that the Provincial Government review the social assistance system to explore mechanisms which would ensure the adequate provision of financial assistance to battered women in Manitoba.	X			In Progress

Policy/Program Options	Provincial	Federal	Provincial/ Federal	Start Date
Department of Employment Services and Economic Security				
2) It is recommended that the assistance to battered women for emergency shelter in a crisis shelter or a safe home be provided as a universal service rather than through the welfare system.	X			1984-85
Department of Community Services and Corrections				
1) Options for establishing clear legal mandate for Services to battered women and their children:				
- Broadening of Child Welfare Act and/or Social Services Administration Act	X			
- Passage of new and separate legislation.	X			
2) Options for establishing Comprehensive Policy Approach to the Development of Services to Battered Women throughout the Province.				
- Place responsibility for the development of services to battered women and their children in the Child and				

Policy/Program Options Department of Community Services and Corrections	Provincial	Federal	Provincial/ Federal	Start Date
Family Services Division. This should enhance integration with other intra-family violence services and provide a firmer organizational base for service development.	X			
- Develop criteria for the funding of services. These might include the following: - availability throughout the entire province. - accessibility by all demographic groups which require the service. - close collaboration with other human services - availability of early intervention and crisis services on a 24-hour basis. - facilitation of long term support for those who require it. - development of crisis residential services where needed. - broad acceptability to women's organizations and the community at large.	X			

Policy/Program Options Department of Community Services and Corrections (cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
3) Options for funding crisis shelters and safe houses:				
- Amend the Canada Assistance Plan to define women in such facilities and their children as "persons in need".		X		
- Amend the Canada Assistance Plan to define care in such facilities as "welfare services" rather than as "welfare assistance".		X		
- Provide for sharing of the costs of such facilities through mechanisms other than the Canada Assistance Plan.		X		
- Develop a less rigorous, more flexible needs-test.	X			
- Develop a universal fee-for-service per diem arrangement.	X			
- Develop a block funding arrangement for shelters and a universal fee-for-service for safe houses.	X			

Policy/Program Options Department of Community Services and Corrections (cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
- Develop a block funding arrangement for shelters and a universal fee-for-service for safe houses; but needs-test to establish a shareable portion of expenditures.	X			
4) Options for providing emergency shelter services which are culturally accessible for Native, Immigrant and other minority group women.				
- Request organizations providing safe houses and shelter services to involve minority group women in their operations.	X			
- Invite organizations of women from cultural minorities to establish emergency residential facilities.	X			
5) Options for providing access to shelters for women resident in Rural Communities.				
- Encourage the development of local safe houses.	X			

Policy/Program Options Department of Community Services and Corrections (cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
- Facilitate readily available transportation to existing shelters.	X			
6) Options for providing non-residential support and consulting services for Battered Women, Battering Men and their children throughout the Province.				
- Direct provision of additional services by the provincial government.	X			
- Provision of funds by the provincial government to freestanding voluntary organizations.	X			
- Provision of funds for collaborative services involving both government and voluntary organizations.	X			
- Broaden the mandate of existing departmental services (i.e. Family Conciliation Services, Child and Family Services Program).	X			

Policy/Program Options Department of Community Services and Corrections (cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
7) Options for providing second-stage housing throughout much of the Province.				
- Fund shelters to provide long-term second-stage housing.	X			
- Improve access to existing services (i.e. social housing for groups of women, special needs day care, child and family services counselling and homemakers, community mental health services - Department of Health).	X			
Department of Education				
A broadly based committee be formed with representation from the Public School Boards, relevant government departments such as the Department of Education, the Department of Health, the Department of the Attorney General and the Department of Labour (Advisory Council on the Status of Women), Parents Associations, the Manitoba Committee on Wife Abuse, the Faculty of Education, the Police Department, victims of family violence and any other organizations and persons whose participation would be appropriate.	X			1984

Policy/Program Options Department of Education	Provincial	Federal	Provincial/ Federal	Start Date
This committee would:				
1) Examine the use of corporeal punishment in the schools.	X			
2) Determine the type of material which would be appropriate for classroom instruction on wife battering particularly as it related to grade levels, suggest various methods of presentation and identify compulsory courses in which the educational experience could occur.	X			
3) Examine the legal implications that might arise as a result of introducing the topic of wife battering into the curriculum.	X			
4) Examine the question of "children's rights".	X			
5) Develop a set of guidelines for teachers who will require direction when intervention is necessary.	X			
6) Set up a mechanism whereby all teachers will receive in-service sessions on the topic of wife battering.	X			

Policy/Program Options Department of Education (Cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
7) It is recommended that: - resource teachers be made available to shelters in order to provide continuity of education to those children unable to attend school during their stay and to provide educational support to school age children during a period of adjustment which would include a return to school, either their former school or a new school.	X			
8) Consideration be given to amending section 43 of the Federal Criminal Code of Canada, which legally authorizes the use of corporeal punishment in schools.		X		
9) The Federal Government increase public awareness on the issue of wife battering by providing literature on wife battering in family allowance cheques and that the literature include a toll free number to call for information on support services available in each province.		X		

Policy/Program Options Department of Education(cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
10) The Federal and Provincial Governments provide funding to Advisory Councils on the Status of Women to enable them to produce literature on wife battering and support services available. This literature could be distributed by doctors in their offices and by nurses in child health centres.			X	
11) The Federal and Provincial Governments mount a media campaign to increase public awareness regarding the unacceptability of wife battering and to increase awareness regarding services available to both victims and batterers.			X	
Department of the Attorney General				
1) Sensitization and training to the various participants in the criminal justice systems as to the phenomenon of wife battering.			X	1984-85
2) Increased funding for compilation of computarized statistics.			X	1984-85

Policy/Program Options Department of the Attorney General (cont'd)	Provincial	Federal	Provincial/ Federal	Start Date
3) Funding for research on sentencing trends in Manitoba.			X	1984-85
4) Wife battering be considered by parole officials to be grounds in itself for revocation of parole.		X		1984-85

9. SASKATCHEWAN INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF SASKATCHEWAN

SOCIAL SERVICES

1) FUNDING FOR TRANSITION HOUSES:

a) Implement shortend needs test for transition houses
Action: Social Services and transition houses are reviewing this procedure. A decision will be forthcoming in the near future.
Implementation date: 1984/85

b) Implement the policy to increase the earnings exemption to the maximum of CAP.
Action: Social Services is reviewing the implications of this policy. A decision will be forthcoming in the near future.
Implementation date: 1984/85

c) The Department of Indian Affairs review the policy on authorization for admittance, length of stay approvals and payment of services to transition houses in Saskatchewan.

d) The Department of Indian Affairs and Northern Development provide or fund agencies to provide crisis and post-crisis social services to battered Treaty Indian women and their children.

e) Program standards be developed for transition houses.
Action: Social Services is working with the transition houses to develop mutually acceptable program standards.

f) Examine alternate means of providing shelter assistance to battered wives, especially in rural and remote areas and appropriate forms of secondary-stage housing.

g) Develop crisis response networks which link victims with emergency medical, police and safe shelter services. This development will begin in 1984-85.

h) Develop a strategy for providing safe shelter in rural areas, with consideration being given to emergency transportation and accessibility needs.
Action: Funding has been approved to run two pilot projects to determine the more effective method of service delivery. The pilot will be run until 1986. An evaluation will be part of the pilot, which will assist in determining further development.

i) Accept the principles in the CASW Policy Statement and develop protocols for Saskatchewan service system.
Action: Social Services is drafting protocols for departmental staff. They will be implemented as soon as possible.

j) Examine ways of developing discrete counselling services for victims.
Action: Funding has been approved by the province to run two pilot projects for professionally assited self-help groups. An evaluation will be part of the pilot which will assist in determining further developments.

k) Examine ways of providing services to batterers and initiate programs in this area.
Action: Funding has been approved by the province to pilot a counselling program for batterers. An evaluation will be part of the pilot which will assist in determining further development.

l) Research projects and program/service evaluations are needed to address this problem. They could be supported through the federal grant programs. It may be appropriate to designate job creation funds for this purpose.

m) Support services for victims, batterers and children are being developed across the country. Saskatchewan recommends better co-ordination of information between provinces and with the federal government.

JUSTICE

a) Because of the importance of the police response to wife battering cases, Saskatchewan encourages the federal government to expand to training activities for new recruits as well as for existing police forces. The federal government is extensively involved in police training, having responsibility for training RCMP and providing extensive training to municipal and provincial police forces through the Canada Police College.

b) Saskatchewan encourages the federal government to include wife battering in the training provided to corrections workers in the Canadian Penitentiary Service.

c) Saskatchewan Department of Justice recognizes the need to develop training materials for their staff. Action: Funding has been approved for a core training package. The needs of Justice staff will be considered in this package.

d) The core information to be included in training packages for professionals (lawyers, doctors, nurses, social workers) is consistent across the country. Federal programs have an important role to play in influencing the development of this work.

e) Saskatchewan recommends that the province and federal government work together to develop a data collection system to ensure municipal police forces and the RCMP are recording their involvement with spousal abuse.

f) Mechanisms must be developed to monitor and follow-up on all spousal assault cases including the disposition of the Court.
Action: Justice has initiated the development and implementation of a comprehensive data collection system which will include information from police and the courts.

g) Saskatchewan recommends the modification of the Crime Reporting System to capture information on family violence. These changes should be made as quickly as possible.

h) Saskatchewan recognizes the need for better access to legal consultative services for victims is required, especially in rural areas. Action: Funding has been approved by the provincial government to include legal consultation with victims under the fees paid to local agents.

i) It is recommended the Canada Evidence Act be amended to specifically set out that the wife or husband is a competent and compellable witness by the Crown where the accused is alleged to have interferred with the person, liberty or health of the other spouse.

j) Innovative approaches to unifying the jurisdiction over family law related matters is largely dependent on leadership from the federal authority. It is recommended that the federal government provide the impetus for the federal and provincial governments to work co-operatively to build on the experience of the Unified Family Court projects.

k) The federal Department of Justice, the Ministry of the Solicitor General and the Canadian Centre for Justice Statistics all have funds available to support demonstration projects, pilot projects and research programs. Saskatchewan recommends that funding criteria should be modified to give priority to funding programs and research in the following areas:

- services to victims;
- services to batterers - both from the perspective of their effectiveness in providing a sentencing option to the courts, as well as their effectiveness in rehabilitation of batterers;
- rural service delivery models;
- evaluation of the effectiveness of recent changes in police and prosecutorial changes;
- family violence and Treaty Indians.

HEALTH

1. The need to develop protocols for health care professionals has been identified.
   Action: Funding has been approved by the provincial government to develop protocols for hospitals.

2. The need for research into effective treatment programs for batterers; services to victims through the health care system; information on the incidence and prevalence of wife battering; and a variety of tested intervention methods are required. It is recommended the federal government take a lead role or at least assist efforts at the provincial level to fund programs and research in this area. It is crucial that research work be expanded in order to develop successful prevention and treatment initiatives.

3. Cost-sharing under CAP for services to batterers is unclear. Saskatchewan recommends that cost-sharing for services to batterers be examined.

EDUCATION

1. Enhanced emphasis on family life education learning in courses of study is required by updating of courses and flexible timetables and encouragement for students to take family life electives.

2. Schools should be encouraged to obtain whatever resource material is available and should be encouraged to contact members of their communities to become involved in the delivery of school programs as guest speakers and resource personnel. The NCFV should contact as many sources as possible where young people will receive benefits from the distribution of resource material.

3. Information regarding the magnitude and manifestations of the battering problem to increase teacher awareness is necessary to encourage the inclusion of the topic in instruction. It is necessary for teachers to develop an awareness of and sensitivity to the battering syndrome.

4. The development of protocols and procedures for referrals to appropriate counselling resources is required for teachers. This could be accomplished through the joint efforts of the Saskatchewan Teachers Federation and the Department of Education.

5. Special consideration must be given to training teachers in the identification and interaction with students from homes in which family violence occurs. Provision of this information could

assist educators in providing appropriate supports for and instruction to such students.

6. Co-ordination at the provincial and local level amongst service providers including schools is required to ensure services are provided in a consistent manner.

7. Co-operative efforts on the part of federal and provincial governments to develop resource material targeted at young people could be very effective.

8a) The Department of Advanced Education and Manpower, consistent with recommendations mentioned under previous headings, will undertake the development of a core training package for Saskatchewan professionals in Health, Justice, Social Services and Education and non-government organization staff. Action: Funding has been approved for the development of the core package which will be self-contained and amenable to distance delivery.

b) Saskatchewan recommends the development of an information-sharing network across Canada among departments and agencies involved in the development of such programs and program materials to minimize costs and avoid duplication of effort.

c) The Department of Advanced Education and Manpower will be augmenting core material with a "train the trainer" program package. Saskatchewan recommends interprovincial collaboration on sharing these materials.

d) The Department of Advanced Education and Manpower will provide development management and coordination for the development of the specilized supplemental packages for professionals and other deliverers of this training.

e) Examine ways of delivering this training through the community colleges, technical institutes, university extension divisions, professional organizations and existing training programs.
Action: Recommendations for delivery will be an outcome of the development of the core and specialized training packages.

9. Public education on wife battery and services available to victims and batterers should be encouraged on the local level.
Action: Women's Services Branch in the Department of Advanced Education and Manpower will be acting as facilitators to encourage community colleges, women's groups and/or regional libraries to offer public awareness seminars.

PUBLIC EDUCATION

1. Public awareness can be used effectively as a tool to provide information about services and to reduce the occurence of wife battering.
Action: Funding has been approved by the provincial government to develop a public education campaign. It is likely the funds will be used to foster positive family life images.

2. Various jurisdictions across the country are planning public awareness campaigns. The federal government could provide a leadership role to ensure there is no duplication of effort and a co-ordination approach is taken.

10. ALBERTA INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF ALBERTA

RECOMMENDATIONS

1. Sex stereotyping should be either eliminated or placed in a social perspective in all material used at the elementary and secondary school levels.

2. Life skills training which includes topics such as family violence should be introduced at the secondary school level.

3. A mandatory health curriculum focusing on relating to self and others and reinforcing the values of dignity, respect, and responsibility should be implemented at the elementary school level.

4. The Government of Alberta, in conjunction with the federal and municipal governments, should consider introducing a public awareness campaign focusing on the nature and extent of wife abuse and on changing attitudes. This initiative should be similar to AADAC's media campaign.

5. Alberta Social Services and Community Health should assume responsibility for collecting and collating resource materials and for establishing an inventory of services (i.e., an Alberta Clearinghouse).

6. The Government of Alberta should establish an interdepartmental standing committee on family violence. One of its tasks should be to coordinate the preparation of written information for the public on the criminality of wife battering and the legal and social services available to provide assistance.

7. The Government of Alberta should consider the feasibility of co-sponsoring with the federal and municipal governments a conference on wife battering to be held in Alberta.

8. The Government of Alberta should support the initiative of the Royal Canadian Mounted Police to organize a multi-disciplinary training workshop.

9. If the interdepartmental standing committee on family violence is established (see recommendation #6), it should be assigned to coordinate the following tasks:

   - the development of training kits for professionals;

   - the development, in conjunction with professional associations, of protocols for different settings, such as hospitals, health clinics, and shelters;

   - the development, in conjunction with universities and community colleges, of curricula covering wife abuse.

10. The Government of Alberta should encourage bodies and associations, such as the Alberta College of Physicians and Surgeons, the Law Society of Alberta, the Alberta Association of Social Workers, and the Alberta Registered Nurses Association, to incorporate an element relating to wife abuse into their training programs.

11. The Alberta Solicitor General should ensure that police detachments maintain a current listing of agencies and resources available to assist in wife battering cases, and refer the parties involved to same. Moreover, Alberta police forces should be encouraged to include an element relating to spousal abuse in their police training.

12. The Alberta Attorney General should formally emphasize to the police forces of Alberta the criminal nature of wife assault. In doing so, he should instruct police forces in Alberta to lay charges in wife battering cases where facts and circumstances warrant. The responsibility should not be placed on the complainant to lay her own information.

13. Police forces should also be reminded that the Criminal Code amendments (Bill C-127) which were proclaimed in January 1983 have a bearing on spousal assault incidents. An arrest for assault can be made even if the police officer has not witnessed the incident because now all assaults may be proceeded with by indictment.

14. Alberta police forces should be encouraged to develop operating procedures for handling domestic assault incidents based on guidelines provided by the Solicitor General's Department.

15. The justices of the peace and Crown prosecutors should be provided with written guidelines outlining the Attorney General's policy regarding the handling of wife assault cases, as outlined in recommendation #12.

16. The Alberta Attorney General should instruct Crown prosecutors to proceed with criminal proceedings where the evidence warrants such action. Withdrawal of cases should be permitted only in exceptional circumstances. If a victim indicates a desire to withdraw a charge, the Crown prosecutor should advise her of the support services available to her throughout the legal process.

17. The Attorney General's Department should consider implementing a pilot study to determine the preferable court for hearing domestic assault cases.

18. Justices of the peace and judges should be advised of the difficulties encountered in obtaining peace bonds. In addition, police forces should be instructed to facilitate the issuance of peace bonds.

19. A common wording format which would be applicable to all restraining orders should be used.

20. The Attorney General's Department should explore the possibility of developing legislation which would permit the issuance of a restraining order without the necessity of it being attached to another legal action.

21. There should be greater penalties for breaches of peace bonds and restraining orders. A man breaking an order should not have to be 'caught in the act' before being arrested, provided other probable grounds exist.

22. The Alberta Attorney General should articulate its position on spousal assault, as identified in recommendation #12, to judges by providing background information to clarify the rationale for this new direction.

23. The Alberta Attorney General should instruct his agents to make greater use of conditions of bail, interim release, and probation to restrict the movement of offenders and thereby offer greater protection to the victim.

24. The Alberta Solicitor General should ensure that, in all cases of a breach of bail, interim release, or probation, the probation officers bring the matter back to court without delay for alternative disposition.

25. Alberta Social Services and Community Health should establish a provincial telephone crisis line for battered women which would provide crisis counselling and referral to local community services.

26. Alberta Social Services and Community Health should review its existing shelter funding model and introduce cost sharing with the federal government.

27. Alberta Social Services and Community Health should maintain adequate funding to shelters for battered women.

28. Alberta Social Services and Community Health should develop a program design document applicable to emergency shelters. This should be done in consultation with shelter operations and should include a statement of principles, an outline of standards (program, physical plant, staffing, etc.), as well as clarification of the funding model.

29. Alberta Social Services and Community Health should acknowledge the need for shelters to have access to professionals. It should consider improving linkages between regional offices of Mental Health Services, and local community agencies with shelters.

30. Police forces in Alberta should establish victim advocacy programs, preferably using volunteers, such as those operating in Calgary and Edmonton. Such advocates would be available to assist the victim in understanding the legal system and outlining the various social services available to her.

31. Upon the availability of funding, the Attorney General's Department should consider establishing a victim assistance program, as is being recommended in Ontario.

32. Alberta Social Services and Community Health should:

    - encourage the development of more outreach/support groups by municipal social services;

    - consider the feasibility of providing Province-wide outreach services to battered women through community health nurses.

33. Alberta Social Services and Community Health should provide funding for the northeast Alberta satellite shelter proposal as a pilot project. An evaluative component should be included in this pilot project.

34. The Alberta Attorney General should instruct Crown prosecutors to request the court to consider including a condition of treatment in sentencing, where indicated.

35. The Alberta Solicitor General should ensure that persons sentenced to incarceration or probation for spousal assault have access to treatment, if ordered by the court.

36. The Government of Alberta should consider allocating additional funding and resources to the treatment programs for batterers which are currently operated by Alberta Hospital and the Calgary General Hospital.

37. The Departments of Social Services and Community Health and Solicitor General should contract with community agencies, such as the Family Services Association, and municipalities to develop treatment programs for batterers.

38. The Government of Alberta Departments involved in providing or funding treatment programs for batterers should ensure that a comprehensive evaluation is conducted of treatment programs for batterers to determine their effectiveness.

39. The following Alberta Government Departments should implement mechanisms for data gathering regarding wife abuse, including at a minimum the number of cases, the relationship of the accused to the victim, and the manner in which they are handled:

    - Attorney General
    - Solicitor General, including the Royal Canadian Mounted Police and municipal police forces
    - Social Services and Community Health
    - Hospitals and Medical Care

    Coordination of such efforts, sharing of information, and analysis are essential to ensuring a comprehensive and effective resolution of the problem.

40. The Government of Alberta should provide funds for research into the problem of wife battering. The recommended interdepartmental standing committee on family violence should function as an advisory body regarding the allocation of funds to ensure that research projects do not duplicate initiatives in other parts of Canada.

11. BRITISH COLUMBIA INITIATIVES RESPONDING TO WIFE BATTERING

PROVINCE OF BRITISH COLUMBIA

The following recommendations for immediate action are suggested:

1. To prepare a short inventory and overview of courses and workshops pertaining to family violence offered by public and private institutions in order to be able to map out subject areas and geographic areas which are well served and those which are not well served in this respect;

2. To enter into negotiations with hospital authorities with a view of establishing a reporting system of 'wife assault' as a medical category similar to the system presently in use to report child abuse;

3. To continue to develop a better reporting system of wife assault cases by the police as well as to institute an adequate registry of restraining orders for the use of the police;

4. To take steps which would upgrade vocational/professional skills of individuals working in the 'helping professions' (legal, medical, social work and education) to enable them to be able to identify cases of abuse, develop and/or become aware of appropriate interventions strategies, and understand their role and responsibility within the context of their profession. This would be an educational goal accomplished with the help of special TV series on the Knowledge Network, short workshops and study sessions, expanding or amending curricula of training institutions to accommodate the subject of family violence, etc.;

5. To approach the medical establishment with a view of encouraging the development of a medical protocol to assist health professionals in the identification and treatment of wife assault in the hospital setting;

6. In the area of community education and public awareness, to initiate a co-ordinated public information campaign which would include, in addition to the already developed information booklet for victims of wife assault which outlines their legal rights and protection, other printed materials containing information about programs and services (public and private) available to them. To ensure that such information becomes available in languages other than English if there is a need;

7. Further in the area of public awareness, to investigate how Government Information Services could become involved in the public information campaign to raise the profile of the issue of wife abuse and provide basic information to battered wives;

8. To encourage the establishment of self-help or volunteer-aid groups for perpetrators and victims of wife assault;

9. To promote interministerial dialogue with a view of revising individual ministries' mandates and sorting out ministry responsibilities to make possible a series of ancillary support programs for perpetrators, victims and family, such as follow-up counselling, learning life-skills and economic self-sufficiency, mental health assistance, etc.;

RECOMMENDATIONS FOR THE FEDERAL GOVERNMENT

1. To make money available for wife assault related projects by setting up a fund, targeted to several different purposes, for provinces to apply and draw from (along the lines of the 1978 Community French Language Program);

2. To publicize once again the issue of wife assault through the Family Allowance Supplement;

3. To provide more research money to health professionals to develop different models of effective treatment services. Mental health professionals, in particular, need funds to extend their services and deepen their knowledge through demonstration projects and the like;

4. The National Clearinghouse on Family Violence in Ottawa should prepare inventories of research for the use of social workers, health professionals and community groups, to disseminate information about what has already been done, what projects are underway, etc.

With particular reference to the financing of Transition Houses, the recommendations for action on the part of the Federal Government are:

1. To improve the effectiveness of the Canada Assistance Plan by ensuring maximum access to federal funds available to the provinces.

2. To clarify the funding of Canada Community Services Project (CCSP) grants and take particularly into account the difficulties created for the provinces when the three-year diminishing grants expire;

3. To co-ordinate and facilitate inter-provincial discussion of common concerns and information sharing regarding successful programs and innovations.

12. YUKON INITIATIVES RESPONDING TO WIFE BATTERING

DEPARTMENT OF JUSTICE

A. THE COURTS

IT IS RECOMMENDED THAT:

1. Court personnel support the efforts of the Public Legal Education organization by participating in their activities to provide legal information and information about the court process to the public.

2. The Department of Justice examine the distribution of Justice of the Peace services in Yukon with a view to determining the practicality of the use of either the Judicial Interim Release or Peace Bond provisions of the Criminal Code to control persons accused of an assault on a spouse.

3. Emphasis be placed in training for Justices of the Peace on the preferred use of Judicial Interim Release Orders in cases of spousal assault.

4. The dynamics of spousal assault be included as part of an upcoming training session for Justices of the Peace, as well as information about possible treatment programs which either are already, or may become available in the future.

5. Community groups and individuals with some expertise in areas related to spousal abuse be involved in the development training for Justices of the Peace. This might include the staff of the Yukon Women's Transition Home, Mental Health Services, Yukon Family Services and the Correctional Centre and Probation Branch.

B. THE CORRECTIONAL INSTITUTION

IT IS RECOMMENDED THAT:

1. The Correction Institution assess the feasibility of acquiring and recording statistics with respect to the number of inmates who have been sentenced as the result of a spousal assault, and that such data be collected if at all possible.

2. The Correctional Institution continue to develop a program to deal with the problem of spousal assault as a part of a larger program concerning emotional development and a range of assaultive behaviours. Such a program to be designed to include those who have been sentenced directly as the result of a spousal assault, as well as those who have been sentenced for other offences but have such assaultive behaviours identified as a problem during their sentence.

3. Attendance at this treatment program form part of an acceptable pre-release plan for inmates at the Correctional Institution and that attendance at the program be considered for day-release also.

4. The Correctional Institution attempt to set up a support system which would be available to inmates on release, either, on a formal or informal basis. This could be provided through volunteer activity, or through other government or private agencies (Alcohol and Drug counsellors, Social Service workers and Indian Bands, for example).

C. ADULT PROBATION SERVICES

IT IS RECOMMENDED THAT:

1. The Probation Branch continue to review the number of probation clients in communities outside of Whitehorse, Mayo and Watson Lake, in order to examine the degree of contact and to determine the appropriate level of service and supervision necessary to carry out the probation conditions as imposed by the territorial court.

2. The Probation Branch review statistical caseloads and consider placing a permanent probation officer in communities where sufficient support justifies an increased level of service.

3. If a full-time Probation Officer is not warranted, a part-time or contract arrangement be considered.

4. In making Probation staffing arrangements, full consideration be given to individuals who do not fulfill the formal education requirements of the Public Service Commission but who reside in the community and have a strong desire to work with persons in conflict with the law.

5. In determining the need for probation services, particular consideration be given to the Faro/Ross River area.

6. That the Probation Branch include in its information system data on:

   1) the number of people sentenced to a term of probation as the result of a conviction for spousal assault;

ii) the agencies to which these clients may have been referred; and

iii) the length of sentence and type of supervision provided.

7. The Probation Department ensure that whenever known assaultive behaviour against a spouse is identified as a problem, it is indicated on the client's file, so that counselling or treatment can be sought.

8. The Probation Branch and Correctional Centre coordinate their resources to ensure that inmates who are released from the institution under the terms of a probation order, and who have received treatment for assaultive behaviour against their spouses receive some follow-up and support service in the community.

9. The Probation Branch identify the topic of spousal assault as a priority training area, to coincide with the initiatives being taken by the Correctional Centre, RCMP, and Mental Health Services, and information and training sessions involve, as far as possible, the staff of the Yukon Women's Transition Home and other agencies with an interest in program development for either battered women or for men who batter their wives.

D. DEPARTMENT OF JUSTICE ADMINISTRATION

IT IS RECOMMENDED THAT

1. A mechanism be developed within the Justice Department to have responsibility for program coordination, particularly within areas related to Corrections.

2. The coordinator of the Women's Bureau within the Department be consulted on matters with an ultimate impact on women (for example, the development of programs for batterers).

II. WORKERS' COMPENSATION BOARD

(Compensation for Victims of Crime)

IT IS RECOMMENDED THAT

1. The Workers' Compensation Board examine the merits of making the pamphlets more useful by:

   i) altering the style of language used, so that people with English as a second language, or little education, could understand them;

   ii) including the information that a charge does not have to be laid in order for a victim to be eligible for compensation.

2. The Workers' Compensation Board widen the distribution of the pamphlets.

3. Further attempts be made by the Board to explain to professionals and others who might come into contact with victims of crime, how the program can be useful to their clients, and how to assist people in filling out the form.

4. The Workers' Compensation Board stress the importance of referring victims of all eligible offences to the program. The point should be stressed that the decision to compensate is made by the Board, NOT the source of referral.

III. DEPARTMENT OF HEALTH AND HUMAN RESOURCES

IT IS RECOMMENDED THAT

1. The Department of Human Resources instruct social workers to follow the policy statement issued by the Canadian Association of Social Workers, that social workers should develop a technique in history-taking and documentation of evidence to facilitate early detection.

2. Where pre-printed or formatted sheets are used in history-taking or other procedures, an item be added to remind the worker to record the incidence of spousal abuse, in order to facilitate the collection of statistical information.

3. This statistical information be collated regularly (at least once a year) to document the incidence of spousal assault among Human Resources clients in Yukon, in order to enable the Department to develop programs and allocate resources on the basis of demonstrated needs.

4. The Department of Human Resources take advantage of the momentum generated by the initiatives taken by the RCMP and the Crown, and identify Spousal Abuse as a Departmental priority.

It is further recommended that this priority be expressed by the following action:

The identification of staff training surrounding Spousal Abuse as a priority by:

i) ensuring that funding is made available for in-house staff training with respect to spousal abuse, and

ii) ensuring that training workshops occur at least twice a year for field staff, at least until a full range of services and programs has been established;

iii) ensuring that all newly hired staff take part in such training sessions as they occur; and

iv) making such training sessions and workshops open to staff from private and Government agencies providing service to either battered women or men who batter.

5. A person within the Department of Health and Human Resources be identified to act as liaison between the Transition Home and the Department, and that regular contact be re-established within the very near future.

6. The Department of Health and Human Resources undertake to initiate discussions with the Yukon Women's Transition Home, Mental Health Services, Correctional Services, Yukon Family Services and other interest groups with a view to developing an array of support services for men, women and children who have been involved in battering relationships.

7. That the Department of Human Resources be prepared to provide some funding of services if required, in order to assist in the development of support services to those who have been involved in battering relationships.

8. The Department of Health and Human Resources undertake to provide easily understandable written information for public use with respect to the programs and services for which the Department is responsible, and that this information be distributed to communities outside Whitehorse and to other Agencies providing service delivery or information within the Whitehorse area.

9. Information be developed in conjunction with other Departments and Agencies which may become involved in the development of public information so that "gaps" in information do not occur, and to ensure that the styles are reasonably consistent.

10. The Yukon Department of Health and Human Resources and the Federal Department of Indian Affairs make every attempt to ensure that funding for the Transition Home continue on a block-funding basis, and a return to a per diem system be avoided at all costs.

11. The Yukon Department of Health and Human Resources and the Department of Indian Affairs reconsider the funding of a child care worker at the Transition Home, at least on a part time basis, and provide funding to accommodate this need.

12. An assessment of the need for second-stage housing take place for women who leave the Transition Home, and this needs-assessment take into account the possibility of making such facilities multi-use rather than single-use.

13. A priority be placed by the funders and the Transition Home on the development of a safe house network, and consideration be given to the funding of a short-term project to assist in its establishment.

14. The Yukon Government Public Service Commission be approached by the Department of Health and Human Resources with a view to conducting a Job Audit on the positions at the Transition Home, in order to provide some basis for determining the amount of funding to be provided for salaries.

15. The Yukon Department of Health and Human Resources provide some assistance to the Crossroads Treatment Centre in order that an assessment tool can be identified, possibly with the involvement of Mental Health Services.

IV. DEPARTMENT OF EDUCATION

IT IS RECOMMENDED THAT

1. The Department of Education take advantage of the current interest and initiatives demonstrated by other government and private agencies, and indicate that areas relating to family violence are to be included in connection with similar social issues, and efforts be continued to include them in the guidance section of the senior school curriculum.

2. The Department of Education attempt to include the topic of Family Violence (including Spousal Assault) as a unit in the compulsory guidance courses offered in the school curriculum.

3. The Department of Education urge school principals to instruct their staff to make full use of the resources available in the community, for example, to include presentations by the Yukon Women's Transition Home, Family Services, Mental Health Services, Human Resources, etc. in guidance course offerings.

4. Should the development of materials for use in Yukon be supported, the Department of Education invest some monetary or other resources in the adaptation of such materials in order to ensure their appropriateness to the school environment.

5. The legal consequences of family violence (including spousal assault) be stressed whenever the subject is addressed in the school system.

6. The Federal Department of Manpower and Immigration and the Yukon Department of Education, Advanced Education and Manpower, include women who have been battered by their husbands as part of the specific target group (women) and continue to attempt to determine their needs with respect to employment and training programs. This assessment should take into account the financial barriers which may be encountered by women who wish to enter, or re-enter the work force.

POOR

QUALITY

ORIGINAL